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THE STATE OF OHIO.

GENERAL AND LOCAL ACTS

PASSED

AND

JOINT RESOLUTIONS

ADOPTED

BY THE

SEVENTY-THIRD GENERAL ASSEMBLY,

AT ITS REGULAR SESSION,

BEGUN AND HELD IN THE CITY OF COLUMBUS, JANUARY 3, 1898.

VOLUME XCIII.

COLUMBUS, OHIO:
PUBLISHED BY STATE AUTHORITY,
J. L. TRAUGER, STATE PRINTER.
1898.

GENERAL LAWS.

[Senate Bill No. 1.]

AN ACT

To amend section 3692 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3692 of the Revised Statutes of Ohio be so amended as to read as follows:

State board of
agriculture:

Sec. 3692. There shall be held in the city of Columbus, on the first Thursday after the second Monday in January, an annual meeting of the Ohio state board of agriculture, together with the president of each county agricultural society, or duly authorized delegate therefrom, who shall, for the time being, be ex-officio members of the state board of agriculture, for the purpose of deliberation and consultation as to the wants, prospects and condition of agriculture throughout the state; and at such meeting, the several reports from the county societies shall be delivered to the president of the state board of agriculture, and, at the annual meeting to be held in 1898, there shall be elected five members of the state board of agriculture, two members for a term of two years, two members for a term of three years, and one member for a term of four years; and, at the annual meeting to be held in 1899, there shall be elected five members, one member for a term of three years, two members for a term of four years, and two members for a term of five years; and annually thereafter there shall be elected two members whose term shall be five years, and until their successors are elected.

Annual meeting
of board.

Election of
members; term

SECTION 2. That said section 3692 be and the same is hereby repealed, and this act shall be in force from and after its passage.

Repeals.

HARRY C. MASON,
Speaker of the House of Representatives.

T. E. CROMLEY,
President pro tem. of the Senate.

Passed January 13, 1898.

1G

[House Bill No. 1.]

AN ACT

To repeal section 2505d of the Revised Statutes of Ohio as enacted April 22, 1896 (92 O. L., 277).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2505d, passed April 22, 1896,

Street railroads:

GENERAL LAWS.

[Senate Bill No. 1.]

AN ACT

To amend section 3692 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3692 of the Revised Statutes of Ohio be so amended as to read as follows:

State board of
agriculture:

Sec. 3692. There shall be held in the city of Columbus, on the first Thursday after the second Monday in January, an annual meeting of the Ohio state board of agriculture, together with the president of each county agricultural society, or duly authorized delegate therefrom, who shall, for the time being, be ex-officio members of the state board of agriculture, for the purpose of deliberation and consultation as to the wants, prospects and condition of agriculture throughout the state; and at such meeting, the several reports from the county societies shall be delivered to the president of the state board of agriculture, and, at the annual meeting to be held in 1898, there shall be elected five members of the state board of agriculture, two members for a term of two years, two members for a term of three years, and one member for a term of four years; and, at the annual meeting to be held in 1899, there shall be elected five members, one member for a term of three years, two members for a term of four years, and two members for a term of five years; and annually thereafter there shall be elected two members whose term shall be five years, and until their successors are elected.

Annual meeting
of board.

Election of
members; term

SECTION 2. That said section 3692 be and the same is hereby repealed, and this act shall be in force from and after its passage.

Repeals.

HARRY C. MASON,
Speaker of the House of Representatives.

T. E. CROMLEY,
President pro tem. of the Senate.

Passed January 13, 1898.

1G

[House Bill No. 1.]

AN ACT

To repeal section 2505d of the Revised Statutes of Ohio as enacted April 22, 1896 (92 O. L., 277).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2505d, passed April 22, 1896, Street railroads.

Repeals.

of the Revised Statutes of Ohio, be and the same is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed January 20, 1898.

2G

[House Bill No. 37.]

AN ACT

To make sundry appropriations.

Appropriation
for general as-
sembly.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated from any money in the treasury to the credit of the general revenue fund, and not otherwise appropriated, the sum of fifty thousand (\$50,000) dollars for salaries and mileage of members, per diem of clerks, sergeant-at-arms and other officers and employes of the general assembly; one thousand (\$1,000) dollars for contingent expenses of the house; five hundred (\$500) dollars for contingent expenses of the senate, and one thousand (\$1,000) dollars for expenses of legislative committees.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed January 19, 1898.

3G

[Senate Bill No. 44.]

AN ACT

To amend section 6961 of the Revised Statutes of Ohio, as amended April 1, 1896, vol. 92, p. 116.

Offenses against
public policy:

Penalty for un-
lawful catching,
killing, injuring
or pursuing of
game, destroy-
ing eggs or
nests, hunting,
shooting, trap-
ping, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6961 of the Revised Statutes of Ohio be so amended as to read as follows:

Sec. 6961. No person shall, on any place, catch, kill, or injure, or pursue with such intent any quail except between the 10th day of November and the 15th day of December, inclusive; or any prairie chicken, or squirrel, except between the 1st day of September and the 15th day of December, inclusive; or any woodcock, except between the 4th day of July and the 15th day of November, inclusive;

or any rail, snipe, killdeer, plover, coot or mud-hen, or any wild duck except between the first day of September and the 10th day of April, inclusive. No person shall, at any time, catch, kill or injure, or pursue with such intent, any wild duck or wild goose by the aid or use of any swivel or punt-gun, or any other gun than a common shoulder-gun; or with the aid of, or from any sink-boat or battery, or by the use or aid of any steamboat, naptha-launch, electric launch, sail-boat, steam-launch, or any kind of boat whatsoever, except a common rowboat, propelled by oars. No person shall, at any time, catch, kill or injure, or pursue with such intent, any of the birds, game or animals mentioned in this act, with or by the use of any trap, net or snare, or destroy any of the eggs, or nests of any of the birds named in this section. No person shall kill any wild duck on Sunday, Monday or Tuesday of any week, on any of the reservoirs belonging to the state of Ohio, or in or upon the waters of Lake Erie, and the estuaries and bays thereof; but nothing herein shall be so construed as to authorize the killing, catching or pursuing with such intent, any wild duck on Sunday. No person shall hunt or shoot or trap, or have in possession in the open air for such purpose, the implements for the hunting, shooting or trapping of the same, on the first day of the week, called Sunday. No person shall shoot at or kill any wild duck before six o'clock in the forenoon, or after five o'clock in the afternoon, of any day. Any person violating any of the provisions of this act, shall be guilty of a misdemeanor, and on conviction shall be fined as provided in section 6968. Provided, that nothing herein shall be construed so as to prohibit the killing of squirrel by the owner or tenant of any premises where such animals are found injuring grain, fruit trees, shrubbery or vegetables.

Injurious squirrel.

SECTION 2. This act shall take effect and be in force from and after its passage, and original section 6961, as amended April 1, 1896, be and the same is hereby repealed.

Repeals, etc.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed January 27, 1898.

4G

[House Bill No. 198.]

AN ACT

Making appropriations for the governor's inauguration.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and is hereby appropriated from any money in the state treasury to the credit of the general revenue fund, not otherwise appropriated, the sum

Appropriations for governor's inauguration.

of ten hundred and ninety-seven dollars and forty-two cents for the expenses incurred in the inauguration of the governor-elect on the tenth day of January, 1898, to be paid out upon vouchers approved by the chairman of the joint committee having in charge the inauguration ceremonies.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed February 3, 1898.

5G

[Senate Bill No. 6.]

AN ACT

To provide for the election of an additional judge of the court of common pleas in the tenth judicial district of Ohio.

Additional
judge in first
subdivision of
tenth district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That for the tenth judicial district of the state of Ohio, there shall be an additional judge of the court of common pleas, who shall be a resident of the first subdivision thereof, composed of the counties of Hancock, Hardin, Seneca and Wood, to be elected by the qualified voters of said counties as herein provided.

First election
and term of
office.

SECTION 2. That the first election for said additional judge shall be held on the first Monday in April, A. D. 1898, at the time of the annual election for municipal and township officers, under and in pursuance of the general election laws of the state of Ohio governing the election of judges of the courts of common pleas; he shall be elected for the term of five years, beginning on the 18th day of April, A. D. 1898; and his successor shall be elected at the regular annual election, which shall be held on the first Tuesday after the first Monday in November next preceding the expiration of his term of office, and every five years thereafter.

Sheriff's procla-
mation of elec-
tion; returns.

SECTION 3. It shall be the duty of the sheriff of each county of said first subdivision, at least fifteen days prior to the first Monday in April, A. D. 1898, and at least fifteen days prior to the first Tuesday after the first Monday in November of each year immediately prior to the expiration of each successive term of office of such additional judge, to give notice by proclamation according to law of the time and place for holding the election for such additional judge, which election shall be conducted and the returns thereof made in the same manner required by law in case of election of other judges of the court of common pleas.

Compensation,
jurisdiction,
powers, duties
and penalties.

SECTION 4. Said additional judge shall receive the same salary as other judges of the court of common pleas, and when so elected and qualified shall have in all respects

the same powers and jurisdiction, be subject to all the obligations, and discharge all the duties conferred and enjoined by the constitution and laws of this state upon the judges of said court; and any vacancy which may occur in the office of such additional judge by death, resignation, or otherwise, shall be filled as in other cases of vacancy in the office of judge of said court. Vacancy.

SECTION 5. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed February 7, 1898.

6G

[House Bill No. 4.]

AN ACT

To amend section 7264 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 7264 be amended so as to read as follows:

Sec. 7264. When the venue is changed, the clerk of the county in which the indictment was found shall make a certified transcript of all the proceedings in the case, which, together with the original indictment, he shall transmit to the clerk of the court of the county to which the case is sent, and the trial shall be conducted in all respects as if the indictment had been found in that county; the prosecuting attorney of the county in which the indictment was found shall take charge of and try the case; and the court, on application, may appoint one or more attorneys to assist him in the trial, and allow such compensation as it deems reasonable; and the cost accruing from a change of venue, including the compensation of the attorneys appointed to assist the prosecuting attorney, and the reasonable expense of the prosecuting attorney incurred in consequence of such change of venue, and also, including the fees of the clerk of the court and the sheriff, and the jury fees of the jury sitting in the trial of the case in the court of the county to which the venue is changed, shall be allowed and paid by the commissioners of the county in which such indictment was found.

Change of venue:

Proceedings on change of venue.

Who to try case.

Court may appoint assistants compensation.

Cost: how defrayed.

SECTION 2. Said original section 7264 be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed February 7, 1898.

7G

[House Bill No 71.]

AN ACT

To repeal an act entitled "An act to provide for the registration of land titles in the state of Ohio, and to simplify and facilitate the transfers of real estate," passed April 27, 1896.

Registration of
land titles; act
repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That an act entitled "An act to provide for the registration of land titles in the state of Ohio, and to simplify and facilitate the transfer of real estate," passed April 27, 1896, be and the same is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed February 7, 1898.

8G

[Senate Bill No. 15.]

AN ACT

To authorize cities of the fourth grade of the second class to levy a tax for maintenance of a free public and school library.

Library associ-
ation in cities
of fourth grade,
second class;
levy of tax.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in any city of the fourth grade of the second class, and in which city there is established and maintained by a public library association duly incorporated, but not organized for profit, a public library, free to all the inhabitants of such city, the board of education shall levy or cause to be levied an annual tax, in addition if need be to the annual amount of taxes limited by law for school purposes, of not less than three-tenths and not to exceed five-tenths of a mill on all the taxable property within such city and school district, to be called "a public library fund," which shall be certified to the county auditor of the county and placed on the tax duplicate of the county, and collected as other taxes.

Disposition of
tax.

SECTION 2. Said tax when so levied and collected shall be paid over by the treasurer of the board of educa-

tion to the treasurer of said library association, to be used only in the purchase of books, pamphlets, magazines or newspapers, and for general library expenses of said library association.

SECTION 3. Said board of education shall require said library association to render an account as often as it shall deem proper of all taxes so received by it, and how the same have been expended, and power to levy a tax under this act shall continue only so long as said association shall keep up and maintain in a public place in such city a public library free to all the inhabitants thereof and to all persons residing within said school district.

Association to
render account.

Power to levy
tax.

SECTION 4. The tax so levied shall be in lieu of all other taxes levied for school library purposes, and no other levy shall be made for such purpose; provided, however, that nothing herein shall prohibit the board of education from purchasing all necessary philosophical or other apparatus for the schools and making necessary levies therefor.

Tax to be in lieu
of other taxes.

Purchase of
school appar-
atus; levy.

SECTION 5. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed February 15, 1898.

9G

[House Bill No. 264.]

AN ACT

To amend section 4 of an act entitled "An act to create the office [of] dairy and food commissioner," as amended April 16, 1896.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* Said commissioner may appoint not to exceed two assistant commissioners, whose salaries shall be one thousand dollars per year, and necessary traveling expenses incurred in the discharge of their official duties, to be paid in like manner with the commissioner's, and on itemized vouchers approved by said commissioner; the said commissioner shall have power to employ such experts, chemists, agents, inspectors and counsel as may by him be deemed necessary for the proper enforcement of the laws, their compensation to be fixed by the commissioner. All charges, accounts and expenses authorized by this act shall be paid out of the state treasury upon vouchers certified by the commissioner, and upon warrant by the state auditor. The entire expense of said commissioner shall not exceed in one year the amount specifically appropriated for such purposes. All vacancies in the office of the food and dairy commissioner shall be filled by appointment of the governor until the next general election, then the same

Assistant dairy
and food com-
missioners.

Experts, chem-
ists, agents, in-
spectors and
counsel.

Payment of ex-
penses, etc.; lim-
itation.

Vacancy in office
of commis-
sioner.

Disposition of
fines, fees and
costs.

Office, seal, sta-
tionery and sup-
plies.

Annual report.

Repeals.

shall be filled as in the original election. All fines, fees and costs assessed and collected under prosecutions begun or caused to be begun by the commissioner, and all fines, fees and costs heretofore assessed and collected under prosecution begun or caused to be begun by the commissioner, shall be paid by the court to the commissioner, and by him paid into the state treasury to be credited to the general revenue fund of the state. The center room on the north side of the southwest corridor in the capitol building, now occupied by the dairy and food commissioner, is set apart for his use wherein shall be kept his books, records and other property of the office. He shall keep a seal with which to attest official acts and documents, and shall be entitled to stationery and supplies from the secretary of state as are other state officers. The commissioner shall make an annual report to the governor containing itemized statements of all receipts and disbursements, attorney fees in each specified suit brought in this department, and all persons employed by him, together with such statistics and other matter as he may regard of value; said reports to be published as are the other reports of the other state officers.

SECTION 2. That section 4 of "An act to create the office of food and dairy commissioner," as amended April 16, 1896, is hereby repealed, and this act shall take effect and be in force from and after its passage.

HARRY C. MASON,

Speaker of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed February 17, 1898.

10G

[House Bill No. 104.]

AN ACT

To amend section 1 of an act entitled "An act to incorporate the Evangelical Lutheran synod of Ohio and adjacent states," passed March 23, 1849 (session laws of Ohio, vol. 47, p. 282), and as amended April 22, 1893 (general laws of Ohio, vol. 90, p. 231).

Corporations:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1 of an act entitled "An act to incorporate the Evangelical Lutheran synod of Ohio and adjacent states," passed March 23, 1849 (laws of Ohio, vol. 47, p. 282), and as amended April 22, 1893 (general laws of Ohio, vol. 90, p. 231), be amended so as to read as follows:

Evangelical Lu-
theran synod of
Ohio and ad-
jacent states.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Jonas Mechling, Frederick C. Becker, Christian C. Spielman and James Manning, and their associates, an organized synod, composed of ministers of the

Evangelical Lutheran church, and lay delegates representing the said congregations connected with said synod, be and they are for the purpose of promoting and disseminating the religious doctrines and principles of their said church, hereby created a body corporate and politic by the name of "the Evangelical Lutheran synod of Ohio and other states," and as such shall continue and have perpetual succession; and by said corporate name shall be legally capable of contracting and of prosecuting and defending suits both at law and in chancery, and of acquiring property, real and personal, and mixed, or either of them, either by purchase, gift, devise, grant or legacy, and of holding, enjoying and disposing of the same, and also of all property of which the said synod is now the legal and rightful owner; provided, that the annual income thereof shall not exceed one hundred thousand dollars.

SECTION 2. That the said amended section, passed April 22, 1893, be and is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed February 17, 1898.

11G

[House Bill No. 31.]

AN' ACT

For the benefit of Ephriam Dewolf, of Prairie Depot, Wood county, Ohio.

WHEREAS, Section 9085, Revised Statutes of Ohio, passed and took effect April 16, 1867 (vol. 66, O. L., 231), providing for bounties to be paid to soldiers who reënlisted under the call of the president of the United States, and, Preamble:

WHEREAS, Ephriam Dewolf enlisted in Co. "A," 36th regiment, O. V. I., on July 29, 1861, for three years, and on February 15, 1864, he reënlisted in the same company and regiment, and served until the close of the war, and from no fault of his own, there was no credit given him, for bounty, for reënlisting in the state of Ohio; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the auditor of state be and is hereby required to issue his warrant on the state treasurer for the sum of one hundred dollars, in favor of Ephriam Dewolf, to be paid out of the general revenue fund.

Warrant in
favor of Eph-
riam Dewolf.

SECTION 2. This act shall take effect from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed February 17, 1898.

12G

[House Bill No. 21.]

AN ACT

To amend section 1831 of the Revised Statutes of Ohio, as amended March 23, 1892, (vol. 89, pages 138-139).

Police power
of mayor, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1831 of the Revised Statutes of the state of Ohio, as amended March 23, 1892, (vol. 89, pages 138-139), be amended so as to read as follows:

Police justice:
appointment;
term; jurisdic-
tion; powers;
duties, etc.

Sec. 1831. In villages, and cities not otherwise provided for by law, the council may, upon the recommendation of the mayor by an affirmative vote of two-thirds of all the members elected, appoint some justice of the peace, resident of the corporation or city, a police justice, who shall during the term of office of such mayor, unless removed on suggestion of such mayor by a vote of two-thirds of the members elected of the council, have concurrent jurisdiction of all prosecutions for violations of ordinances of the corporation or city with full power to hear and determine the same, and shall have the same powers, perform the same duties, and be subject to the same responsibilities in all such cases as are prescribed in the preceding sections, to be performed by and are conferred on the mayors of such corporations and cities.

Repeals.

SECTION 2. That said section 1831 as amended March 23, 1892, be repealed, and this act [shall] take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed February 23, 1898.

13G

[Senate Bill No. 37.]

AN ACT

To amend section 2814 of the Revised Statutes of Ohio.

Boards of equali-
zation:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2814 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 2814. The auditor shall lay before the board the returns made by the district assessors, with the additions which he shall have made thereto; and they shall then immediately proceed to equalize such valuation, so that each tract or lot shall be entered on the tax list at its true value, and for this purpose they shall observe the following rules: 1st. They shall raise the valuation of such tracts and lots of real property as, in their opinion, have been returned below their true value to such price or sum as they may believe to be the true value thereof, agreeably to the rules prescribed by this title for the valuation thereof; 2nd. They shall reduce the valuation of such tracts and lots as, in their opinion, have been returned above their true value, as compared with the average valuation of the real property of such county, having due regard to their relative situation, quality of soil, improvement, natural and artificial advantages possessed by each tract or lot; 3rd. They shall not reduce the aggregate value of the real property of the county below the aggregate value thereof, as returned by the assessors, with the addition made thereto by the auditor, as hereinbefore required; 4th. Provided, that before such boards shall increase the value of any tract or lot as returned by the assessors, the owner thereof shall have at least ten days' notice of such intended increase by registered letter in all cases where the residence is known. The return receipt for such shall be filed by the auditor.

Decennial
county board:
proceedings;
rules to govern
their orders.

Owner to have
notice of in-
crease of valu-
ation.

SECTION 2. That said section 2814 of the Revised Statutes of Ohio is hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed February 23, 1898.

14G

[Senate Bill No. 83.]

AN ACT

To provide for the redemption and payment of bonds and of interest on the mortgage debt upon the state fair grounds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and is hereby appropriated from money belonging to the sinking fund, the following sums, for the purpose of paying the debt of the Ohio state board of agriculture as herein named: To redeem first mortgage bonds of said board, payable July 1, 1898, of the sixty thousand (\$60,000) dollar issue authorized by act of the general assembly, passed May 1, 1885, which are then payable, ten thousand (\$10,000) dollars; for one year's interest on the total unpaid bonds of said issue, nine hundred (\$900)

Appropriation
for state board
of agriculture.

dollars; to redeem first mortgage bonds of said board, payable July 1, 1899, of same issue, which are then payable, ten thousand (\$10,000) dollars; for balance six months' interest on the unpaid bonds of said issue, three hundred (\$300) dollars.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed February 23, 1898.

15G

[House Bill No. 210.]

AN ACT

To amend section 1523 of the Revised Statutes of Ohio.

Assessors: SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1523 of the Revised Statutes of Ohio be so amended as to read as follows:

Return of statistics.

Agricultural statistics.

Sec. 1523. The assessor shall make return of all the preceding statistics to the county auditor, at the same time he returns the lists of personal property for taxation; and the county auditor shall make return to the auditor of state on or before the first day of August, annually, of all statistics returned to his office, except those statistics under the head of "agriculture" (sec. 1522, R. S.), which he shall return to the secretary of the state board of agriculture, on or before the tenth day of July, annually, and said secretary of agriculture shall compile and publish the same in the monthly crop and stock bulletins and annual report issued by the state department of agriculture.

Repeals.

SECTION 2. That said section 1523 be and the same is hereby repealed, and this act shall be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed February 23, 1898.

16G

[House Bill No. 262.]

AN ACT

To amend section 6951 of the Revised Statutes of Ohio, as amended April 15, 1881 (78 O. L., page 184), and March 24, 1892 (89 O. L., page 140).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6951 of the Revised Statutes be and the same is hereby amended so as to read as follows:

Offenses against public policy:

Sec. 6951. Whoever overdrives, overloads, tortures, deprives of necessary sustenance, or unnecessarily or cruelly beats, or needlessly mutilates or kills any animal, or impounds or confines any animal in any place and fails to supply the same during such confinement with a sufficient quantity of good, wholesome food and water, or carries in or upon any vehicle, or otherwise, any animal in a cruel or inhuman manner, or who keeps cows or other animals in any inclosure without wholesome exercise and change of air, or feeds cows on food that produces impure or unwholesome milk, or abandons to die any old, maimed, sick, infirm or diseased animal, or works the same, or, being a person or corporation engaged in transporting live stock, detains such stock in railroad cars, or in compartments for a longer continuous period than twenty-four hours after the same are so placed, either within or beyond this state, without supplying the same with necessary food, water and attention, or permits such stock to be so crowded together as to overlie, crush, wound or kill each other, shall be fined not more than two hundred nor less than five dollars, or imprisoned not more than sixty days, or both. Provided, that nothing herein contained shall be construed to prevent the dehorning of cattle. And that all fines collected for violations of this section shall be paid to the society or association for the prevention of cruelty to animals, if any such society or association is organized in such county, township, village or city where such violation occurred.

Cruelty to animals: penalty.

Dehorning of cattle.
Disposition of fines collected.

SECTION 2. That section 6951 as amended March 24, 1892, is hereby repealed and this act shall take effect and be in force from and after its passage.

Repeals.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed February 23, 1898.

17G

[Senate Bill No. 27.]

AN ACT

To provide for the payment of one-half the taxes received by cities of the third (3) grade of the first class from foreign insurance companies in counties containing a city of the third grade of the first class, to the police pension fund of such city.

Police pension
fund:

Distribution of
fund.

When act takes
effect.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county treasurers of counties containing a city of the third grade of the first class, shall, semi-annually, at the time of their semi-annual settlement with the auditors of their respective counties, pay over to the treasurers of such cities one-half the amount to which such cities are entitled, under their annual levy to receive, of all the taxes paid into the treasuries of their respective counties by foreign insurance companies on their gross receipts, under the provisions of section 2745 of the Revised Statutes, during the half year preceding such semi-annual settlement; and the money so paid over to the city treasuries shall be credited to the police pension fund of such cities, and shall be controlled, administered and disbursed in accordance with the provisions of sections 1945, 1946 and 1947 of the Revised Statutes, as passed April 15, 1889, April 12, 1893, and April 19, 1881, respectively.

SECTION 2. This act shall take effect and be in force from and after the first day of April, A. D. one thousand eight hundred and ninety-eight.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,

President pro tem. of the Senate.

Passed February 23, 1898.

18G

[House Bill No. 307.]

AN ACT

Making partial appropriations for the last three quarters of the fiscal year ending November 16, 1898, and the first quarter of the fiscal year ending February 15, 1899.

Partial appro-
priations for
1898 and 1899.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sums, for the purposes hereinafter specified, are appropriated out of any moneys in the treasury to the credit of the general revenue fund not otherwise appropriated, to-wit:

Adjutant General's Department.

Salary of adjutant-general.....	\$2,000 00
Salary of assistant adjutant-general.....	1,500 00
Salary of chief clerk.....	1,400 00

Salary of clerks.....	6,000 00	Partial appropriations for 1898 and 1899.
Salary of superintendent of state arsenal.....	1,400 00	
Salary of stenographer.....	600 00	
Transportation indigent soldiers.....	100 00	
Contingent expenses and inspections.....	500 00	

Ohio National Guard.

Uniforms, overcoats and blankets.....	\$5,000 00
Care of military stores and freight on arms....	300 00

State House and Grounds.

Salary of superintendent of laborers.....	\$900 00
Salary of engineer.....	1,000 00
Salary of two (2) firemen.....	900 00
Salary of visitor's attendant.....	720 00
Salary of janitor of flag room.....	720 00
Salary of day policeman.....	720 00
Salary of night policeman.....	800 00
Salary of four regular laborers.....	650 00
Extra labor	500 00
Fuel for state house.....	300 00
Material and repairs.....	500 00
Care and repair heating apparatus.....	300 00
Electric light state house.....	1,800 00

Agricultural Experiment Station.

Expenses of board of control.....	\$500 00
Bulletin illustration	200 00
Sub-stations for field experiments.....	1,000 00
General repairs, for labor and supplies.....	1,000 00

Attorney General's Office.

Salary attorney-general	\$1,500 00
Salary of assistant attorney-general.....	1,500 00
Fees on collections.....	300 00
Salary of clerk.....	900 00
Contingent	200 00

Auditor of State.

Salary of auditor of state.....	\$3,000 00
Salary of chief clerk.....	2,400 00
Salary of railroad and bank clerk.....	1,700 00
Salary of bookkeeper.....	1,700 00
Salary of land clerk.....	1,500 00
Salary of canal and trust fund clerk.....	1,400 00
Salary of statistician.....	1,350 00
Salary of corresponding clerk.....	800 00
Salary excise tax clerks.....	2,850 00
Transcribing land records.....	1,500 00
Contingent expenses	750 00

State Archaeological and Historical Society.

Partial appropriations for
1898 and 1899.

Current expenses	\$500 00
Care of Fort Ancient.....	500 00

Board of Agriculture.

Encouragement of agriculture.....	\$2,500 00
Contingent expenses	600 00
Crop and stock reporting service.....	600 00

Board Appraisers and Assessors.

Salaries of members.....	\$4,500 00
Contingent expenses	250 00

Board of Arbitration.

For per diem and expenses of members.....	\$1,000 00
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Board of State Charities.

Expenses	\$1,500 00
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Board of Health.

Expense state board of health.....	\$3,750 00
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Board of Pardons.

Salary of members.....	\$3,000 00
Salary of secretary.....	300 00

Board of Public Works.

Canal repairs	\$10,000 00
Salary of members.....	2,400 00
Salary of engineers.....	3,600 00
Salary of secretary.....	1,500 00
Salary of clerk.....	700 00
Traveling expenses of members.....	450 00
Contingent expenses	125 00

Canal Commission.

Salary of commissioners.....	\$750 00
Expenses of commissioners.....	1,500 00

Dairy and Food Commissioner.

Commissioner's salary	\$2,000 00
Commissioner's expenses	300 00
Assistant commissioner's salary.....	2,000 00
Assistant commissioner's expense.....	400 00
Inspection and prosecution.....	5,000 00
Contingent expense	250 00

Fish and Game Commission.

Expense fish and game commissioner.....	\$3,000 00
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Commissioner of Labor Statistics.

Commissioner's salary	\$2,000 00	Partial appro- priations for 1898 and 1899.
Traveling expenses	200 00	
For chief clerk.....	1,300 00	
For clerk	720 00	
For clerk	600 00	
For stenographer	720 00	
Contingent expenses	2,000 00	

Commissioner of Common Schools.

Salary of commissioner.....	\$2,000 00
Salary of chief clerk.....	1,750 00
Salary of statistical clerk.....	1,200 00
Salary of stenographer.....	600 00
Traveling expenses of commissioner.....	187 00
Contingent expenses	225 00

Commissioner of Railroads and Telegraphs.

Uses and purposes..... \$6,215 00

provided, however, that said sum shall be deducted from the assessment of railroad companies for 1898, due and payable in the state treasury on or before August 1st, 1898, pursuant to "an act to provide for annual reports of railroad companies to the commissioner of railroads and telegraphs, and providing means for maintaining police supervision of said railroads," passed April 19, 1894, and the auditor of state is hereby authorized and directed to make such deduction.

Governor's Office.

Salary of governor.....	\$8,000 00
Salary of lieutenant-governor.....	800 00
Salary of private secretary.....	800 00
Salary of executive clerk.....	1,800 00
Salary of commission clerk.....	1,500 00
Salary of corresponding clerk.....	1,500 00
Contingent expenses	600 00

Chief Inspector of Mines.

Salary of chief inspector.....	\$2,000 00
Salary of district inspectors.....	8,400 00
Clerk hire	1,050 00
Stenographer	600 00
Contingent expenses	1,250 00

Inspector of Workshops and Factories.

Salary of chief inspector.....	\$2,000 00
Traveling expenses of chief inspector.....	150 00

Partial appropriations for
1896 and 1899.

Salary of district inspectors (eleven).....	\$10,755 36
Traveling expenses of district inspectors.....	1,375 00
Two bakeshop inspectors.....	2,000 00
Expenses traveling bakeshop inspectors.....	250 00
Additional salary high explosive inspector....	800 00
Clerk hire	4,500 00
Contingent expenses	300 00

Judiciary.

Salaries of judges.....	\$50,000 00
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Law Library.

Salary of law librarian.....	\$1,500 00
Salary of assistant law librarian.....	1,200 00
Books and catalogueing.....	625 00
Contingent fund	75 00

Prosecution and Transportation of Convicts to O. P.

Prosecution and transportation to Ohio peni- tentiary	\$20,000 00
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Prosecution Ohio War Claims against General Government.

Salary of agent.....	\$1,500 00
Expense of agent.....	150 00

Secretary of State.

Salary of secretary of state.....	\$2,000 00
Salary of state supervisor of elections.....	1,000 00
Salary of chief clerk.....	2,400 00
Salary of statistical clerk.....	1,500 00
Salary of assistant statistical clerk.....	1,350 00
Salary of stationery clerk.....	1,350 00
Salary of proof reading clerk.....	1,350 00
Salary of corporation clerk.....	1,350 00
Assistant corporation clerk.....	1,350 00
Salary of recording clerk.....	1,350 00
Salary of superintendent of book room.....	1,000 00
Salary of stenographer.....	1,250 00
Contingent expenses	400 00
Distribution of books.....	750 00
Stationery	4,750 00

State Library.

Salary of librarian.....	\$1,500 00
Salary of assistant librarian.....	1,200 00
Salary of stenographer and typewriter.....	720 00
Salary of janitor.....	900 00
Books and papers.....	1,250 00
Contingent expenses and extra labor.....	500 00

Commissioners of Public Printing.

Printing paper	10,000 00
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Superintendent of Insurance.

Salary of superintendent.....	\$2,000 00	Partial appropriations for 1898 and 1899.
Salary of deputy superintendent.....	1,800 00	
Salary of examining clerk.....	1,500 00	
Salary of bookkeeper.....	1,500 00	
Salary of statistical clerk.....	1,500 00	
Salary of corresponding clerk.....	1,000 00	
Salary of license clerk.....	1,000 00	
Salary of mailing clerk.....	1,000 00	
Salary of extra clerks.....	2,000 00	
Salary of janitor.....	600 00	
Salary of actuary.....	250 00	
Attorney's fees	1,000 00	
Contingent expenses	500 00	

Bureau of Building and Loan Association.

Salary of inspector.....	\$1,000 00
Salary of deputy inspector.....	1,800 00
Salary of clerk.....	1,000 00
Salary of extra clerk.....	800 00
Contingent expenses	125 00
Attorney's fees	125 00

Supervisor of Public Printing.

State printing	\$5,000 00
State binding	10,000 00
Salary of supervisor.....	2,000 00
Contingent expenses	200 00

Supreme Court.

Contingent fund	\$100 00
Salary of janitor.....	1,000 00
Messenger	800 00

Clerk of the Supreme Court.

Salary of clerk.....	\$1,500 00
Salary of first deputy.....	1,450 00
Salary of second deputy.....	1,250 00
Stenographer	800 00
Contingent expense	125 00
Janitor	200 00

Reporter of the Supreme Court.

Salary of the reporter.....	\$1,500 00
Contingent expense	200 00

Treasurer of State.

Salary of treasurer of state.....	\$3,000 00
Salary of cashier.....	2,400 00
Salary of two bookkeepers.....	3,000 00
Salary of two night watchmen.....	1,800 00
Collecting of auditor of state's drafts.....	600 00
Contingent expense	300 00

Partial appropriations for
1898 and 1899.

Ohio Penitentiary.

Per diem of managers.....	\$5,000 00
Salary of officers.....	5,680 00
Salary of guards.....	20,000 00
Current expenses	25,000 00
Expenses of execution.....	625 00
Manufacture of gas.....	3,500 00
Rewards to discharged convicts.....	5,000 00
Ordinary repairs	3,500 00
Sewerage and water-works.....	1,500 00

Ohio State Reformatory.

Salaries of managers.....	\$3,000 00
Salaries of officers.....	5,000 00
Salaries of guards.....	8,000 00
Current expenses	10,000 00
Ordinary repairs	1,000 00

Athens State Hospital.

Current expenses	\$10,000 00
Officers' salaries, trustees' expenses and salary of secretary	1,800 00
Ordinary repairs	3,750 00

Cleveland State Hospital.

Current expenses	\$25,000 00
Salaries of officers.....	1,800 00
Ordinary repairs	3,000 00

Columbus State Hospital.

Current expenses	\$33,875 00
Salaries of officers and trustees' expenses.....	2,100 00
Repairs and improvements.....	3,000 00

Dayton State Hospital.

Current expenses	\$16,000 00
Officers' salaries and trustees' expenses.....	2,000 00
Ordinary repairs	3,000 00

Longview State Hospital.

General appropriation	\$30,000 00
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Toledo State Hospital.

Current expenses	\$30,000 00
Salaries of officers and expenses of trustees....	1,800 00
Ordinary repairs	3,750 00

Boys' Industrial School.

Current expense fund.....	\$10,000 00
Salary fund and trustees' expenses.....	8,000 00
Repairs and improvements.....	2,500 00
Furniture for two cottages.....	6,000 00

Reward fund	200 00	Partial appro- priations for 1898 and 1899.
Ministerial fund	75 00	

Girls' Industrial Home.

Current expenses	\$2,000 00
Salaries and expenses of trustees.....	3,500 00
Ordinary repairs and improvements.....	2,000 00

Institution for the Education of the Deaf.

Current expenses	\$5,000 00
Salaries of officers, teachers, and expenses of trustees	7,000 00
Ordinary repairs	2,000 00
Lumber and nails for boxes.....	250 00

Ohio Institution for Feeble-minded Youth.

Current expenses	\$15,000 00
Salaries and expenses of trustees.....	4,000 00
Repairs, including improvements.....	4,000 00

Ohio Soldiers' and Sailors' Home.

Current expenses and clothing.....	\$20,000 00
Officers' salaries and trustees' expenses.....	2,000 00
Ordinary repairs, improvements of grounds, and furniture, carpet and bedding.....	2,000 00

Ohio Soldiers' and Sailors' Orphans' Home.

Current expenses	\$25,000 00
Salary of officers and expenses of trustees.....	6,000 00
Ordinary repairs	4,000 00
Industrial pursuits	2,000 00
Salaries of foremen.....	2,500 00
Net earnings	500 00

Ohio Hospital for Epileptics.

Current expenses	\$16,000 00
Salaries of officers and trustees' expenses.....	1,400 00
Ordinary repairs	3,000 00
Transportation of inmates.....	3,000 00

Institution for the Blind.

Current expenses	\$4,000 00
Salaries, etc.	4,000 00
Repairs	3,000 00

Massillon State Hospital.

For furnishing institution.....	\$30,000 00
To complete certain building and on construc- tion account	20,000 00

Partial appropriations for 1898 and 1899.

SECTION 2. The moneys appropriated in the preceding section shall not be in any way expended to pay liabilities or deficiencies existing prior to February 15, 1898, nor shall they be used or paid out for purposes other than those for which said sums are specifically appropriated as aforesaid.

SECTION 3. No bills for clerk hire, for furniture or carpets, or for newspapers, shall be paid out of appropriations made for contingent expenses; no bills for horses or cows, carriages or wagons, carpets or furniture, or any expenses for officers attending state, inter-state or national associations of benevolent institutions, shall be paid out of the appropriations made for current expenses of said institutions; and no money herein appropriated shall be drawn except on a requisition on the auditor of state, approved by the head of each department or the trustees of the institution, which shall set forth the service rendered or material furnished, and the date of purchase and the time of service, and it shall be the duty of the auditor of state to see that these provisions are complied with. No bills for extra clerk hire in favor of any clerk or clerks, while drawing salaries from the state, shall be allowed from any amount hereby appropriated, and this act shall take effect on its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed February 25, 1898.

19G

[Senate Bill No. 49.]

AN ACT

To amend an act entitled "An act to regulate the transportation of bicycles," passed April 27, 1896 (O. L. vol. 92, p. 372).

Railroad companies:

Bicycle as baggage.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That an act entitled "An act to regulate the transportation of bicycles," as passed April 27, 1896 (O. L. vol. 92, p. 372), be amended so as to read as follows:

Sec. 1. That hereafter for the purposes herein specified, bicycles, with or without lanterns or tool-boxes attached, are declared to be baggage, and shall be transported as baggage for passengers, by all railroad companies operating in this state, and be subject to the same charges and liabilities as other baggage, and no passenger shall be required to crate, cover, or otherwise protect any such bicycle; provided, however, that a railroad corporation shall not be required to transport, under the provisions of this act, more than one bicycle for a single person.

SECTION 2. Said original act is hereby repealed.

Repeals.

SECTION 3. This act shall take effect upon its passage.

HARRY C. MASON,

Speaker of the House of Representatives.

THADDEUS E. CROMLEY,

President pro tem. of the Senate.

Passed March 3, 1898.

20G

[Senate Bill No. 115.]

AN ACT

To redistrict the state of Ohio for state hospital purposes and to provide for opening the Massillon state hospital, and to amend section 699, R. S. of Ohio, as amended 84 O. L. 203, and to amend section 700, R. S. of Ohio, as amended 81 O. L. 14, and to supplement said sections with 699a, 699b, 699c, as R. S. of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 699 and 700 (as amended 84 O. L. 203 and 81 O. L. 14) be amended, and that additional sections be enacted as follows:

State hospitals
for insane:

Sec. 699. The districts of the state hospitals, named in the last preceding section, shall be respectively as follows:

Districts.

The district of the Cleveland state hospital shall be composed of the counties Ashtabula, Cuyahoga, Geauga and Lake.

The district of the Massillon state hospital shall be composed of the counties Ashland, Carroll, Columbiana, Harrison, Holmes, Jefferson, Lorain, Medina, Mahoning, Portage, Stark, Summit, Trumbull, Tuscarawas and Wayne.

The district of the Athens state hospital shall be composed of the counties of Adams, Athens, Clinton, Gallia, Highland, Hocking, Jackson, Lawrence, Meigs, Monroe, Morgan, Noble, Perry, Pike, Ross, Scioto, Vinton and Washington.

The district of the Dayton state hospital shall be composed of the counties Brown, Butler, Clermont, Darke, Green, Miami, Montgomery, Preble, Shelby and Warren.

The district of the Columbus state hospital shall be composed of the counties Belmont, Champaign, Clark, Coshocton, Delaware, Fairfield, Fayette, Franklin, Guernsey, Knox, Licking, Madison, Marion, Morrow, Muskingum, Pickaway and Union.

The district of the Toledo state hospital shall be composed of the counties of Allen, Auglaize, Crawford, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Logan, Lucas, Mercer, Ottawa, Paulding, Putnam, Richland, Sandusky, Seneca, Van Wert, Williams, Wood and Wyandot.

Opening of Massillon hospital.

Sec. 699a. The board of trustees of the Massillon state hospital, appointed in conformity with the act establishing the hospital, and for the purpose of its construction, shall be empowered to furnish and occupy such buildings as are ready for occupancy or that may be made ready hereafter, during the progress of the work of construction, and until such time as the governor may deem it to the interests of the hospital to appoint a board of trustees under the general law governing the state benevolent institutions, at which time the terms of office of the present board shall terminate.

Superintendent; powers and duties.

Sec. 699b. The said board of trustees shall have authority to appoint a superintendent during the completion of the work of construction, who shall have had experience in the care and treatment of the insane and who shall be authorized to superintend the work of construction and to furnish and open such buildings as are now or may be hereafter made ready for occupancy during the progress of the work. Said superintendent shall also have charge of said buildings when occupied, and of the patients kept therein, employing the necessary officers and employes under the direction of the board and as required for the purposes mentioned.

Admission of patients.

Sec. 699c. Patients may be admitted to the Massillon state hospital while the work of construction is in progress from such counties of the district set apart for said hospital in section 699 of this act, as can be provided for therein and the board of trustees of said hospital are authorized to designate said counties from time to time as accommodations may become available.

Transfer of patients from other hospitals.

Sec. 699d. As soon as practicable, after the accommodations at the Massillon state hospital become available, the patients in each of the state hospitals who have been sent thereto from a county which does not belong to the district of any such hospital as fixed by section 699a shall be transferred to the hospital of the proper district; any such transfer to be made at such time and in such manner as may be agreed upon by the superintendents of the hospitals to be thereby affected, and thereafter, new patients from any such county shall be sent to the institution to which it is assigned therein. The expense of the transfer of patients as provided for in this act shall be paid out of the current expense fund of the institution from which the patients are removed.

Expense of transfer.

How counties' proportion ascertained.

Sec. 700. Each county is entitled to send patients to the hospital of the district in which such county is situated in proportion to the number of insane residents in such county requiring state care, said number of insane in each county being ascertained annually by the board of state charities and reported to the superintendent of each of the state hospitals and to the probate judge of each of such counties on the fifteenth day of November of each year.

No person shall be admitted into either of the hospitals belonging to the state, except an inhabitant of the state, unless by joint resolution of the general assembly, which joint resolution shall specifically name the person to be admitted, and no person shall be considered an inhabitant within the meaning of this chapter, who has not resided within the state one year next preceding the date of his or her application, and no person is entitled to the benefits of the provisions except those whose insanity has occurred during the time such persons have resided in the state. All persons who have been or may hereafter be admitted into either of the state hospitals, shall be maintained therein at the expense of the state, except as is provided in section six hundred and thirty-one of this title of the Revised Statutes of Ohio. The trustees may direct the discharge of a person when they deem it expedient. The medical superintendents of each of the state hospitals shall inform the probate judge of the different counties comprising the district, monthly, of the quota of patients to which the said county is entitled and the number in the hospital from said county, and the probate judge may at any time forward an acute case if the quota is not full and the papers and clothing are in compliance with law.

How non-resident admitted.

Maintenance of inmates.

Discharge.

Monthly report to probate court; acute case.

SECTION 2. Said original sections 699 (84 O. L. 203) and 700 (81 O. L. 14), shall be, and the same are hereby repealed.

Repeals.

SECTION 3. This act shall be in force and take effect on and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed March 3, 1898.

21G

[House Bill No. 207.]

AN ACT

Making appropriations for the Ohio university, and for the normal and industrial department of the Wilberforce university.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and is hereby appropriated from any money raised or coming into the state treasury to the credit of the Ohio university, Miami university and the normal and industrial department of the Wilberforce university funds, not otherwise appropriated, for the last three-quarters of the fiscal year ending November 15, 1898, and the first quarter of the fiscal year ending February 15, 1899, the following sums, to wit:

Appropriations for Ohio, Miami and Wilberforce universities.

For the Ohio university the sum of \$33,000.

For the Miami university the sum of \$24,000.

For the normal and industrial department of the Wilberforce university the sum of \$19,000.

And for the last three-quarters of the fiscal year ending November 15, 1899, and the first quarter of the fiscal year ending February 15, 1900, the following sums, to wit:

For the Ohio university the sum of \$33,000.

For the Miami university the sum of \$24,000.

For the normal and industrial department of the Wilberforce university the sum of \$19,000 or so much of said several amounts as may come into the state treasury to the credit of said funds, to be applied to the uses and purposes of the said universities, in accordance with the provisions of section 3951, Revised Statutes, as amended March 20, 1891 (O. L. vol. 88, p. 159), and as further amended February 26, 1896, and April 16, 1896.

SECTION 2. This act shall take effect and be in force on its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed March 3, 1898.

22G

[House Bill No. 208.]

AN ACT

Making appropriations for the Ohio state university.

Appropriations
for Ohio state
university.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated from any moneys raised or coming into the state treasury to the credit of the "Ohio state university fund," not otherwise appropriated, for the last three-quarters of the fiscal year ending November 15, 1898, and the first quarter of the fiscal year ending November 15, 1899, the sum of one hundred and eighty thousand dollars (\$180,000), or so much as may come into the treasury to the credit of said fund; and for the last three-quarters of the fiscal year ending November 15, 1899, and the first quarter of the fiscal year ending November 15, 1900, the sum of one hundred and eighty-five thousand dollars (\$185,000), or so much as may come into the treasury to the credit of said fund, to be applied to the uses and purposes of the Ohio state university, in accordance with the provisions of section 3951 of the Revised Statutes of Ohio, as amended March 9, 1896.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
 THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed March 2, 1898.

23G

[Senate Bill No. 73.]

AN ACT

Authorizing the printing of 9,500 copies of "Ohio statesmen and hundred year book," and for the distribution of the same.

WHEREAS, The seventy-second general assembly, by house joint resolution No. 48, authorized and directed the revision and recompilation of a certain publication known as and entitled "Ohio statesmen and hundred year book," and the author complied with the requirements and directions of said joint resolution; and,

Preamble:

WHEREAS, because of inadequate appropriations for the use of the department of the supervisor of public printing, the publication of the same has been delayed; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the supervisor of public printing be and is hereby authorized and directed to proceed without unnecessary delay, to print for the use of the general assembly and secretary of state, nine thousand five hundred (9,500) copies of W. A. Taylor's "Ohio statesmen and hundred year book," which shall be bound in substantial library cloth and distributed as follows:

Publication of
 "Ohio statesmen
 and hundred
 year book."

To each senator and representative in the seventy-third general assembly, fifty (50) copies; to each state officer, ten (10) copies; to each officer of the seventy-third general assembly, two (2) copies; to the state library, two hundred (200) copies; two hundred and fifty (250) copies to be distributed by the author, at his own expense, to the daily and weekly newspapers of the state; the residue to be placed in the custody of the secretary of state and to be sold by him at a price not to exceed one dollar and fifty cents (\$1.50), by the single copy, with discretionary and uniform discount when sold in lots, the proceeds arising therefrom to be covered into the treasury of the state and credited to the general revenue fund, and that the author as a compensation, for furnishing the matter for said publication and supervising the proof reading and printing of the same, according to the direction of the supervisor of public printing, to be allowed the sum of forty (40) cents per copy for the number of copies so published. The printing and binding of the copies to be let by the super-

Distribution.

Compensation
 of author.

Letting of con-
 tract.

visor of printing to the public printer who is the lowest bidder.

Roster of 73d
general as-
sembly.

SECTION 2. That in addition to the work authorized under said original resolution the author shall add the roster of the seventy-third general assembly, but shall receive no additional compensation for said work.

Appropriation
for author; state
to own manu-
script and copy-
right.

SECTION 3. That there be and is hereby appropriated, out of any money in the state treasury to the credit of the general revenue fund not otherwise appropriated, the amount of compensation to the author provided for in section one of this act, and the auditor of state is authorized and required to draw his warrant on the treasurer of state for the same, in favor of the author, on the presentation of the receipt of the supervisor of public printing for the manuscripts of said publication, and the receipt of the secretary of state for a deed of assignment by the author to the use and benefit of the state of Ohio of the copyright whereby the state aforesaid shall have the exclusive right to make future publication of said work for [its] use and benefit, without the future payment of any royalty or other compensation thereof.

SECTION 4. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed March 3, 1898.

24G

[House Bill No. 11.]

AN ACT

To amend supplementary section 2573c of the Revised Statutes of Ohio, as amended and passed April 25, 1893.

Shops and fac-
tories:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That supplementary section 2573c of the Revised Statutes of Ohio, as amended and passed April 25, 1893 (O. L. vol. 90, p. 308), be amended so as to read as follows:

Notice of neces-
sary alterations
or additions.

Sec. 2573c. That said inspectors, if they find upon such inspection that the heating, lighting, ventilation or sanitary arrangement of any shop or factory is such as to be injurious to the health of persons employed or residing therein, or that the means of egress in case of fire or other disaster is not sufficient, or that efficient means for extinguishing fire is not provided on each floor, or that the belting, shafting, gearing, elevators, drums and machinery in such shops and factories are located so as to be dangerous to employes, and not sufficiently guarded, or that the vats, pans or structures filled with molten metal or hot liquid are not

surrounded with proper safeguards for preventing accident or injury to those employed at or near them, shall notify the owners, proprietors or agents of such shops or factories, or report the same to the chief inspector, who shall notify, in writing, the owners, proprietors or agents of such shops or factories by mailing such notification to the last known address of such owners, proprietors or agents to make the alterations or additions necessary without delay; provided, however, that for such of the alterations and additions ordered as may be of such nature as to make it impossible to comply with immediately, the chief inspector may grant from fifteen (15) to thirty (30) days' time from date of first notification to such owners, proprietors or agents, in which to make such alterations and additions, and if such alterations are not made within the limit of time granted, such owners, proprietors or agents so notified, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than five hundred (500) dollars, and not less than fifty (50) dollars, and ten (10) dollars additional for each day after such conviction, until such alterations and additions necessary have been made, which fine shall be paid into the treasury of the county in which conviction is had. The district inspectors shall make a record of all examinations of shops and factories in their respective districts, showing the date when made, the condition in which such shops and factories are found, and what changes were ordered, the number of shops and factories in their respective districts, the number of men, women and children employed in each shop or factory, together with all such other facts and information of public interest, concerning the condition of such shops and factories, as they may think useful and proper, which record shall be filed in the office of the chief inspector every week, and so much thereof as may be of public interest to be included in his annual report. The chief inspector shall issue such instructions, make such rules and regulations for the government of the district inspectors not inconsistent with the powers and duties vested in them by law, as shall secure uniformity of action and proceedings throughout the different districts. The salary of the chief inspector shall be two thousand dollars (\$2,000) per annum, and the district inspectors, one thousand dollars (\$1,000) each per annum, which salaries and all necessary traveling expenses incurred by said inspectors in the discharge of their official duties, shall be paid out of the treasury of the state, from any fund therein not otherwise appropriated, on the warrant of the auditor, on the presentation to him of the proper vouchers.

Penalty for failure to comply with order.

Record of examination.

Instructions, rules and regulations for government of district inspectors.

Salaries and expenses of inspectors.

SECTION 2. That said supplementary section 2573c, as amended and passed April 25, 1893, be and the same is

Repeals.

hereby repealed, and this act shall take effect on and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed March 3, 1898.

25G

[House Bill No. 353.]

AN ACT

To make sundry appropriations.

Appropriation
for general
assembly, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there is hereby appropriated from any money in the treasury to the credit of the general revenue fund, and not otherwise appropriated, the sum of fifty thousand (\$50,000) dollars for salaries and mileage of members, per diem of clerks, sergeant-at-arms and other officers and employes of the general assembly; two thousand (\$2,000) dollars for contingent expenses of the house; fifteen hundred (\$1,500) dollars for contingent expenses of the senate, and two thousand (\$2,000) dollars for expenses of legislative committees.

Legislative Canal Commission.

Compensation of members.....	\$2,176 36
For salary of canal commissioners from November 15, 1897, to February 15, 1898....	750 00

Tennessee Centennial Commission.

Expenses of the commission incurred in accordance with house joint resolution No. 51, adopted April 24, 1896.....	\$5,000 00
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Board of Public Works.

David Banker, for injury to land caused by overflow of water from breaking of state dam levee	\$1,680 00
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SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed March 3, 1898.

26G

[House Bill No. 76.]

AN ACT

To amend section 110 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 110 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 110. The governor may appoint and commission as notaries public as many persons, of the age of twenty-one years or over, who are citizens of this state, residing in the several counties for which they are appointed, as he may deem necessary; and the governor shall have the authority to revoke any commission issued to any notary upon the presentation of satisfactory evidence of official misconduct or incapacity; but before making any such appointment, each applicant shall produce to the governor a certificate from a judge of the common pleas court, circuit court, or supreme court, that the applicant is of good moral character, a citizen of the county in which he resides, and possessed of sufficient qualifications and ability to discharge the duties of the office of notary public; but no such judge shall issue such certificate until he is satisfied from his personal knowledge that such applicant possesses the qualifications necessary to a proper discharge of the duties of such office, and in case of a want of such knowledge, then not until such applicant has passed an examination showing that he possesses such knowledge, under such rules and regulations as such judge shall prescribe.

Notaries public:

Appointment.

Revocation of commission.

Certificate of judge.

Examination of applicant.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed March 3, 1898.

27G

[House Bill No. 38.]

AN ACT

To provide for the weighing of coal before screening.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sections be enacted supplementary to section 295, Revised Statutes of Ohio:

Mines:

Sec. 295a. It shall be unlawful for any mine owner, lessee or operator of coal mines in this state, employing miners at bushel or ton rates, or other quantity, to pass the output of coal mined by said miners over any screen or other device which shall take any part from the value thereof, before the same shall have been weighed and duly credited to the employe sending the same to the surface, and

Unlawful to screen coal before weighing.

accounted for at the legal rate of weights fixed by laws of Ohio.

Provisions apply
to "loaders."

Sec. 295b. The provisions of this act shall also apply to the class of workers, engaged in mines wherein the mining is done by machinery, known as loaders; whenever the workmen are under contract to load by the bushel, ton or any quantity, the settlement of which is had by weight, the output shall be weighed in accordance with the provisions of this act.

Penalty.

Sec. 295c. Any mine owner, lessee or operator of coal mines in this state, neglecting or refusing to comply with the conditions required to be performed by sections 295a and 295b, shall be deemed guilty of a misdemeanor, and upon conviction, be fined in any sum not exceeding six hundred (\$600) dollars, nor less than three hundred (\$300) dollars, at the discretion of the court.

SECTION 2. This act shall take effect from and after six months after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
28G

Passed March 9, 1898.

[House Bill No. 10.]

AN ACT

To amend sections 2572 and 2572b of the Revised Statutes of Ohio, ~~§§~~ as amended and passed April 27, 1896 (O. L., vol. 92, pp. 408 and 409.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 2572 and 2572b of the Revised Statutes of Ohio be so amended as to read as follows:

Penalty against
owner or person
having control.

Sec. 2572. Whoever, being the owner or having control as an officer, agent, or otherwise, of any opera house, hall, theater, church, school house, college, academy, seminary, infirmary, sanitarium, children's home, hospital, medical institute, asylum, or other building used for the assemblage or betterment of people, in a municipal corporation, county or township in the state of Ohio, permits it to be used when any door affording exit therefrom is locked or barred, or opens inwardly; when the place is not provided with ample means for the safe and speedy egress of the persons who may be there assembled; when sufficient water and proper means to apply it, or other efficient means are not provided on each floor to extinguish any fire which may occur therein; or when the certificate provided for in section twenty-five hundred and sixty-nine or section twenty-five hundred and seventy, which certificate shall also apply to buildings mentioned in section twenty-five hundred and seventy-two, as the case may be,

has not been issued, or is not in full force, shall be deemed guilty of a misdemeanor, and on conviction thereof before any court of competent jurisdiction shall be fined not more than five hundred (500) dollars, nor less than fifty (50) dollars, and ten (10) dollars additional for each day or night such building is permitted to be used after such conviction is had and until such changes, alterations or additions have been made sufficient to warrant the issuing of certificate by the chief inspector of workshops and factories; and such fines and costs shall be recovered in the name and for the use of the municipal corporation, if such building is located within the corporate limits, if not then for the use of the county in which located and suit is brought; and it shall be the duty of the mayor, with the aid of the police, or the prosecuting attorney, with the aid of the sheriff, if such building is not located within a municipal corporation, to see that the provisions of this act are strictly enforced.

Fines for benefit
of city or county.

Duty of mayor or
prosecuting
attorney.

Sec. 2572b. It shall be the duty of the chief inspector of workshops and factories, or his district inspectors, to make inspections of such buildings as are provided for in sections 2568, 2569 and 2572 of the Revised Statutes of Ohio, as often as he may deem necessary, or upon the written demand of the agent or owner of such structure, or upon the written request of five or more citizens of the municipal corporation, county or township wherein such structure is located, and the chief inspector or district inspectors shall have access to all such buildings at any time it may be deemed necessary to inspect same.

When inspections
to be made.

Inspector to
have access to
buildings.

SECTION 2. That said sections 2572 and 2572b of the Revised Statutes of Ohio, as amended and passed April 27, 1896, be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed March 9, 1898.

29G

[House Bill No. 33.]

AN ACT

To amend section 1 of an act amended and passed March 6, 1891 (O. L., vol. 88, pp. 87, 88), and section 2, passed April 16, 1885 (O. L., vol. 82, p. 132), entitled "An act for the preservation of the health of female employees."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1 of an act entitled "An act for the preservation of the health of females," amended and passed March 6, 1891, and section 2 of the same act, passed April 16, 1885, be so amended as to read as follows:

Shops and
factories:

Seats for female
employees: how
constructed.

Dressing rooms
and closets.

Closets not to be
placed in base-
ment or cellar;
exception.

Outside closets.

Inspection.

Penalty.

Repeals, etc.

Sec. 1. That every person or corporation employing female employees in any manufacturing, mechanical or mercantile establishments in this state, shall provide suitable seat for the use of each female employe so employed, and shall permit the use of such by them when they are not necessarily engaged in the active duties for which they are employed, and shall permit the use of such seats at all times when such use would not actually and necessarily interfere with the proper discharge of the duties of such employes, and such seat shall be constructed or adjusted where practicable so as to be a fixture and not obstruct such female when actually engaged in the performance of such duties when such seat cannot be used; and the owner of the building shall provide, on the same floor, or floor immediately above or below, of the building wherein any female persons are employed, suitable and separate toilet and dressing-rooms and water-closets for the exclusive use of such female employes, and where possible, such dressing-rooms and water-closets shall be situated together, with one water-closet for every twenty-five females or less, and where there are more than twenty-five there shall be provided an additional water-closet, up to the number of fifty, and above that number in the same ratio; provided, that no such closet for the use of females shall be placed in a basement or cellar, unless such basement or cellar is used for manufacturing, mechanical or mercantile purposes, and females are employed therein; and, provided, further, that such closets, in the same ratio as above mentioned, shall be placed on the outside of such building at a distance not to exceed twenty feet in such cities, towns and villages as are not provided with a system of water works; unless such building is provided with a dry closet system such closets to be kept in good sanitary condition at all times. The state inspector of factories and workshops is hereby charged with the duty of seeing that the provisions of this section are observed and enforced.

Sec. 2. Any person or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof before any court of competent jurisdiction shall be punished by a fine of not less than ten dollars nor more than twenty-five dollars for each offense.

SECTION 2. That section 1 of an act entitled "An act for the preservation of the health of females," as amended and passed March 6, 1891 (O. L., vol. 88, pp. 87, 88), and section 2 of the same act, passed April 16, 1885 (O. L., vol.

82, p. 132), be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

HARRY C. MASON;

Speaker of the House of Representatives.

ASAHIEL W. JONES,

President of the Senate.

Passed March 9, 1898.

30G

[House Bill No. 105.]

AN ACT

To amend section 9 as heretofore amended of an act entitled "An act providing against the evils resulting from the traffic in intoxicating liquors," passed May 14, 1886.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 9 of an act entitled "An act providing against the evils resulting from the traffic in intoxicating liquors," as amended April 28, 1890, and again amended February 20, 1896 (Ohio Laws, vol. 92, 1896, page 34), be amended so as to read as follows:

Intoxicating
liquors:

Sec. 9. That the revenues and fines resulting under the provisions of this act shall be distributed as follows, to wit: In every county three-tenths of the money paid, as herein provided, into the county treasury on account of any business aforesaid, carried on in any city, village, hamlet or township therein, shall be passed to the credit of the general revenue fund of the state and paid into the state treasury by the county treasurer, as is provided in other cases; five-tenths of the money so paid, shall, upon the warrant of the county auditor, be paid on account of any business aforesaid, carried on in any such municipal corporation or township into the treasury of said corporation or township, one-half to the credit of the police fund, and one-half to the credit of the general revenue fund thereof; provided, in corporations having no police fund the entire five-tenths shall be passed to the credit of the general revenue fund thereof, and in townships having no police fund, said one-half of five tenths shall be passed to the credit of the poor funds thereof; and the remaining two-tenths part thereof, together with all other revenues resulting hereunder in said county, shall be passed to the credit of the poor fund of said county; provided, that in all counties in which there is no county infirmary said remaining two-tenths part thereof shall be passed to the credit of the infirmary fund or the poor fund of the township, village or city in which the same shall have been collected; and in such counties, when the money is paid on account of any business carried on in any township outside of any such municipal corporation, said five-tenths, also, shall be passed to the credit of the infirmary fund or the poor fund of said township; and provided, that in counties having a city of the first grade of the first

Distribution of
revenues and
fines.

Hamilton
county.

class with a city infirmary and a county infirmary, the above two-tenths part shall be divided as follows: The city infirmary fund shall have passed to its credit two-tenths of all the money so paid in said city of the first grade of the first class; the county infirmary fund shall have passed to its credit two-tenths of all the money so paid in by any village, hamlet or township in said county, outside of said city of the first grade of the first class; and the above five-tenths part of all the money so paid in by any township, outside of any municipal corporation, shall be paid into the treasury of such township, to be distributed by the order of the trustees of said township to the general revenue fund and poor relief fund, in such proportions as said trustees may deem proper.

Repeals.

SECTION 2. That said section 9 be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed March 9, 1898.

31G

[House Bill No. 68.]

AN ACT

To amend section 2308 of the Revised Statutes of Ohio.

Municipal corporations:

Cleaning and care of streets; appointment of board; term; vacancy.

Termination of power to appoint; renewal of petition.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2308 of the Revised Statutes of Ohio be so amended as to read as follows:

Sec. 2308. The council may, in the ordinance referred to in the preceding section, designate two of the petitioners to act without compensation, who, with the corporation engineer, shall constitute a board, under whose supervision and direction the keeping in repair of such street or alley or part thereof, planting and taking care of shade trees, and sprinkling and sweeping of such street may be done; said board of commissioners shall be appointed for the term of three years, and a vacancy arising for any cause may be filled by said council by appointment from such petitioners for the unexpired term; the power to appoint a board of commissioners under any one petition shall cease after the expiration of nine years from the date of its record, but it may be renewed at any time by another like petition, which, when filed and recorded, shall have the same force and effect as the first one.

Repeals.

SECTION 2. That said section 2308 be and the same is hereby repealed.

SECTION 3. This act shall take effect and be enforced from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed March 9, 1898.

32G

[House Bill No. 181.]

AN ACT

To amend section 3886 of the Revised Statutes of Ohio, as amended March 15, 1888.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3886 of the Revised Statutes of Ohio, as amended March 15, 1888, be amended to read as follows:

School districts:

Sec. 3886. Each city having a population of 10,000 or more, together with the territory attached to it for school purposes, if any, and excluding the territory within its corporate limits, detached for school purposes, if any, shall constitute a school district, to be styled a city district of the first class; each city of the second grade of the first class, together with the territory outside of its corporate limits, if any, attached to it for school purposes, and excluding the territory within its corporate limits, detached for school purpose, if any, shall constitute a school district, to be styled a city district of the second grade of the first class; and each district that has heretofore been constituted a city district of the first class, shall remain such, except as herein otherwise provided.

City district,
first class.

City district,
second grade,
first class.

SECTION 2. That said original section 3886, as amended March 15, 1888, be and the same is hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

JOHN E. GRIFFITH,
Speaker pro tem. of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed March 10, 1898.

33G

[Senate Bill No. 125.]

AN ACT

To provide for the restoration and improvement of the rear central building of the state hospital for insane, at Athens, Ohio.

Athens state
hospital: Resto-
ration of burned
portion.

Contracts for
work.

Appropriation.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of trustees of the state hospital for insane, at Athens, Ohio, is hereby authorized to employ labor and purchase material necessary for the restoration and furnishing of the rear central building of said hospital, recently destroyed by fire, with such improvements therein as the present necessities of the hospital demand. Contracts for labor and material may be let, according to law, for any parts of said work where contracts are found to be practicable, and to the best interests of the state.

SECTION 2. To provide the means for carrying out the provisions of section 1, of this act, the sum of thirty thousand dollars is hereby appropriated, from any money in the state treasury to the credit of the general revenue fund not otherwise appropriated.

SECTION 3. This act to take effect and be in force from and after its passage.

JOHN E. GRIFFITH,
Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed March 10, 1898.

34G

[House Bill No. 283.]

AN ACT

To authorize the county commissioners of any county owning agricultural or fair ground property to keep the buildings thereon insured.

Insurance on
fair ground
property.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of any county owning agricultural or fair ground property be and are hereby authorized to keep the buildings thereon insured, if deemed proper by said commissioners.

SECTION 2. This act shall take effect from and after its passage.

JOHN E. GRIFFITH,
Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed March 10, 1898.

35G

[Senate Bill No. 101.]

AN ACT

To amend supplementary section 2926b—1, as enacted April 16, 1896
(92 O. L., p. 167.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2926b—1 of the Revised Statutes of Ohio, as enacted April 16, 1896, be amended as follows:

Sec. 2926b—1. In Richland county and in all counties which now contain, or which may hereafter contain a city of the fourth grade in the first class, a board of elections for such city and county to consist of four electors of such county of well known intelligence and integrity, two of whom shall belong to each of the two leading political parties which cast the highest and the next highest number of votes in such county at the next preceding November election, shall be appointed by the secretary of state. Not more than two members of this board shall be residents of the township in which the county seat is located except in Richland county; provided, that if the executive committees of the two political parties casting the highest and the next highest number of votes in such county at the last preceding November election, recommend qualified and suitable persons to the secretary of state at least ten days before the appointments are made, then the secretary of state shall appoint the persons so recommended to the number to which each party is entitled; but if no recommendation is made as above provided, or, if in the judgment of the secretary of state any person or persons so recommended shall be regarded by him as an unsuitable or improper person for such position, then the secretary of state shall make said appointments agreeably to the provisions of this act. In the appointment of such board of elections by the secretary of state, two members of different political parties shall be designated to serve for two years from the date of their appointment, and the other two, thereof, of different political parties, shall be designated to serve for four years from that time; and biennially thereafter two members of different political parties shall be appointed in the manner as hereinbefore provided for the term of four years. Provided, that in Richland and in all such counties containing a city of the fourth grade in the first class, the terms of the members of the present boards of elections shall expire on the 31st day of May next, and their successors, and a secretary for such boards shall be appointed in accordance with the provisions of this act, on or before the first day of June, 1896, and annually or biennially thereafter as required by this act. For misconduct or neglect of duty, the secretary of state may remove any member of said board, and any vacancy which may occur in such board by death, resignation, removal or disability of its members, shall be filled by

Conduct of elections:

Boards in Richland and Stark counties; appointment and qualifications of members.

Distribution of members.

Recommendations by party executive committees.

Terms.

Incumbents and their successors.

Removals; vacancies.

Appointment,
qualifications,
term and re-
moval of secre-
tary; vacancy.

Powers and du-
ties of members
and secretary.

Repeals, etc.

appointment of the secretary of state for such unexpired term or terms, and all appointments to positions on said board shall be so made that each of the two leading political parties shall at all times have as near as may be equal representation in said board. The secretary of state shall also appoint a secretary of such board, who shall be an elector of such county, fully qualified for such place, and who shall serve for a period of four years; but he may be removed by the board for any official misconduct, and the votes of not less than three members of the board shall be necessary for such removal. In case of a vacancy in the office of secretary from any cause, the secretary of state shall appoint his successor. The members of the board and the secretary appointed hereunder shall have the same powers and perform all of the duties prescribed in section 2926b and such other and further powers and duties as are prescribed by law.

SECTION 2. Section 2926b—1, as enacted April 16, 1896, shall be repealed May 30, 1898, and this act shall be in force on and after May 30, 1898.

JOHN E. GRIFFITH,
Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed March 10, 1898.

36G

[Senate Bill No. 180.]

AN ACT

To authorize cities of the second class, third grade *a*, to issue bonds for water-works purposes.

Cities of second
class, third
grade *a* (Spring-
field) authorized
to issue water-
works bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of any city of the second class, third grade *a*, wherein water-works have been or hereafter may be constructed, be, and it is hereby authorized and empowered, upon application of the trustees of water-works of such city, to issue, from time to time, bonds of such city, designated "water-works bonds," not exceeding in the aggregate fifteen thousand (\$15,000.00) dollars, for the purpose of extending water mains or pipe lines and for the purpose of making other improvements to the waterworks service of any such city.

Bonds and inter-
est, etc.

SECTION 2. Such bonds shall be in such denominations, run for such length of time, not exceeding thirty (30) years, and bear such rate of interest, not exceeding five per cent. per annum, payable semi-annually, as such council may by ordinance determine. They shall be signed by the mayor and the city clerk of such city and be sealed with the seal of the corporation, and shall be advertised and sold in the manner provided by law for the sale of municipal bonds,

and the proceeds of the sales thereof shall be applied exclusively to the purposes for which such bonds are issued.

SECTION 3. For the purpose of paying the principal and interest of any bonds issued under authority of this act, as they mature, the council of any such city is hereby authorized and empowered, from time to time, to levy upon all the taxable property of such city, and collect a tax sufficient to pay such principal and interest.

Levy to meet
interest and
principal.

SECTION 4. This act shall take effect and be in force from and after its passage.

JOHN E. GRIFFITH,
Speaker pro tem. of the House of Representatives.

ASAH W. JONES,
President of the Senate.

Passed March 10, 1898.

37G

[House Bill No. 13.]

AN ACT

To amend section 2 of an act entitled "An act to provide for the collection of information relative to accidents occurring in the workshops and factories of the state," passed March 21, 1888 (O. L., vol. 85, p. 100; R. S., vol. 2, p. 2442.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2 of the act entitled "An act to provide for the collection of information relative to accidents occurring in the workshops and factories of the state," be so amended as to read as follows:

Shops and fac-
tories:

Sec. 2. That any manufacturer who shall fail to comply with the requirements of this act in each case of death by accident within seven days thereafter, and in each case of injury by accident within thirty days thereafter, shall be deemed guilty of a misdemeanor, and on conviction thereof before any court of competent jurisdiction, shall be fined in any sum not less than ten dollars nor more than fifty dollars. The term manufacturer, as applied in section one and in section two of this act, shall be held to mean any person who, as owner, manager, lessee, assignee, receiver, contractor, or who, as agent of any incorporated company makes or causes to be made or who deals in any kind of goods or merchandise, or who owns, controls or operates any street railway or laundrying establishment, or is engaged in the construction of buildings, bridges or structures, or in loading or unloading vessels, or cars, or moving heavy materials, or operating dangerous machinery, or in the manufacture or use of explosives.

Report of acci-
dental death or
injury; penalty
for failure.

"Manufacturer"
defined.

SECTION 2. That said section 2 of an act entitled "An act to provide for the collection of information relative to accidents occurring in the workshops and factories of the

Repeals, etc.

state," passed March 21, 1888, is hereby repealed, and this act shall take effect on its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed March 9, 1898.

38G

[House Bill No. 62.]

AN ACT

To amend section 1707d—32 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1707d—32 of the Revised Statutes of Ohio be amended so as to read as follows:

City solicitor;
appointment;
bond; salary;
duties.

Sec. 1707d—32. The city solicitor shall be appointed by and give bond to the satisfaction of the board of city affairs, in the sum of not less than twenty-five hundred dollars, conditioned on the faithful performance of his duties, and he shall receive such salary, payable monthly, as may be provided by order of the board, and in addition thereto a reasonable compensation for his services in each civil action or proceeding in a court of record, to which such city of the second grade of the second class is a party, and upon final order being made or judgment rendered in any such action or proceeding the court shall fix the said compensation therefor, which shall then be payable to such city solicitor from the treasury of such city, provided that the total amount of his salary and compensation aforesaid, shall not exceed three thousand dollars (\$3,000.00) in any period of twelve months, counting from the first day of May of one year to the first day of May of the next year; he shall perform all the duties provided by statute and by ordinance of any such city of the second grade of the second class for the city solicitor, and in addition thereto shall act as the legal advisor of and attorney for the board of city affairs, and all other boards of such city.

Repeals.

SECTION 2. Said original section 1707d—32 is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

JOHN E. GRIFFITH,
Speaker pro tem. of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed March 11, 1898.

39G

[Senate Bill No. 8.]

AN ACT

To amend sections 3915, 3916, 3917, 3920, 3922, 3927, 3978, 3981, 4017 and 4081, and to reenact and amend section 3918, of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 3915, 3916, 3917, 3920, 3922, 3927, 3981, 4017 and 4018 be amended, and that section 3918 be reenacted and amended so as to read as follows:

Townships and special districts:

Sec. 3915. The board of education of each township district divided into subdistricts shall consist of the township clerk, and one director elector [elected] for a term of three years for each subdistrict; such board shall organize on the third Monday in April of each year by electing one of its members president. The clerk of the township shall be *ex officio* the clerk of the board, but shall have no vote except in case of a tie.

Township board of education: how constituted and organized.

Sec. 3916. There shall be elected by ballot on the second Monday of April, 1893, in each subdistrict, by the qualified electors thereof, one competent person, having the qualifications of an elector therein, to be styled director. Those elected shall be divided upon the third Monday of April thereafter by lot, into three classes as nearly equal as possible; the directors of the first class shall serve for the term of one year, the directors of the second class for two years, and the directors of the third class for three years; and there shall be elected on the second Monday of April, 1898, in each subdistrict, by the qualified electors thereof, two competent persons, having the qualifications of electors therein, to be styled subdirectors. In all subdistricts where directors are elected in 1898, one subdirector shall be elected for the term of one year, and one for the term of two years; in all subdistricts where directors shall be elected in 1899, one subdirector shall be elected for the term of two years, and one for the term of three years, and in all subdistricts where directors shall be elected in 1900, one subdirector shall be elected for the term of one year, and one for the term of three years. All elections of directors or subdirectors thereafter shall be held on the second Monday of April, and all directors or subdirectors shall serve until their successors are elected and qualified.

Directors: first election.

Classes.

Subdirectors: election; terms.

Subsequent elections.

Sec. 3917. The director of each subdistrict shall post written or printed notices in three or more conspicuous places in his subdistrict, at least six days prior to the election, designating the day and hour of opening, and the hour of closing the election; and he shall also designate whether a director or subdirector shall be elected. The election shall be held at the usual place of holding school

Notice of election.

Designation of office to be filled. Where held.

Judges; oath.

meetings in the subdistrict; the meeting shall be organized by appointing a chairman and secretary, who shall act as judges of the election under oath or affirmation, which oath or affirmation may be administered by the director of the subdistrict, or any other person competent to administer such an oath or affirmation, and the secretary shall keep a poll-book and tally-sheet, which shall be signed by the judges, and delivered within five days to the clerk of the township. [77 v. 63.]

Board of sub-directors; record of proceedings.

Sec. 3918. The directors and subdirectors of each district shall constitute the board of subdirectors, two of whom shall constitute a quorum, and at the meetings of which the director shall preside, and record their proceedings in a book that shall be provided for that purpose by the board of education, together with the minutes of the proceedings of the annual school meetings held in the subdistrict by the electors thereof, which shall be a public record; all such proceedings when so recorded, shall be signed by the director; if the director be absent, either of the subdirectors may officiate in his place. The board of subdirectors shall hold regular sessions on the third Saturday of April and August, and may meet as frequently as they deem necessary for the purpose of electing teachers; but no teacher shall be elected at a meeting of which due notice has not been given to each member of the board of subdirectors, either personally, or by written notice left at his residence or usual place of business.

Sessions.

Notice of meeting to elect teacher.

Regular and special sessions of board.

How special sessions called.

Standing committees.

Duties of committees.

Sec. 3920. The board of education shall hold regular sessions on the third Monday of April, June, August, October, December and February, at the usual places of holding township elections, or at such place in the immediate vicinity thereof as may be convenient, for the transaction of business, and may adjourn from time to time, or hold special meetings at any other time or place within the township, as it deems desirable, for the transaction of business; which special meeting may be called by the township clerk, by the president of the board, or by two or more members of the board, but each member of the board must be duly notified thereof personally, or by written notice left at his residence or usual place of business. The president of each board of education at the annual meeting on the third Monday in April shall appoint at least three standing committees, to be styled respectively: (1) committee on teachers and text books; (2) committee on buildings and grounds; (3) committee on supplies; and he may appoint such other committees as may be deemed expedient. It shall be the duty of the committee on teachers and text books to consider the certificates of elections of teachers filed by the boards of subdirectors to recommend such changes in text books or course of study, or addition to school libraries as may be desired from time to time; it shall be the duty of the committee on buildings and grounds to have an immediate oversight of all buildings, heating

apparatus, furniture, school sites and repairs, and shall make reports in reference to the same from time to time to the board of education; it shall be the duty of the committee on supplies to consider all matters relating to fuel and ordinary supplies used by the schools of the township and make reports to the board of education from time to time. But no act of any standing committee shall be binding on the board of education without its approval. [70 v. 195, sec. 31; 86 v. 346.]

Action of committee not binding.

Sec. 3922. When the board consolidates two or more subdistricts into a new subdistrict, or establishes a new subdistrict in any other way, it shall call a special meeting of the qualified electors resident in the new subdistrict for the purpose of electing one director and two subdirectors for the same; at least five days before the time fixed for the meeting, the board shall post, in three of the most public places in the new subdistrict, written or printed notices stating time, place and object of holding the meeting; the election shall be conducted as provided in this chapter, and a director shall be elected to serve the term which will render the classes of directors most equal, from the annual meeting on the third Monday of April next preceding the organization of the new subdistrict; and the terms of the two subdirectors shall be determined by lot; and the terms of office of the directors and subdirectors of subdistricts so consolidated, shall expire at the time such new district is created.

Election in new subdistrict.

Notices.

How conducted; term of director.

Terms of subdirector determined by lot.

Sec. 3927. When a special district is abandoned, there shall be an election of director and two subdirectors, as provided in this chapter, and for the terms directed in section 3922. The clerk of the special or village district board shall deliver to the clerk of the township board, all the books and papers of the special district in his custody, and notify the county auditor, in writing, of the abandonment of the organization of the district; the treasurer of the special or village district board shall deliver to the treasurer of the township board all the books, papers and money of the special or village district in his possession; the township board shall complete all unfinished business pertaining to the special or village district; any debt contracted by the special or village district board shall be paid out of the money transferred to the treasurer of the township board, as herein provided, and out of the money arising from the taxes levied by the special or village district board; and if such funds are insufficient therefor, the remainder shall be paid by a special tax upon the property of the subdistrict so created.

Election when special district abandoned.

Property in custody of clerk; notice to county auditor.

Property in custody of treasurer.

Unfinished business. Debts.

Special tax.

Sec. 3978. In all cases of tie votes at an election for [director] directors or subdirectors, the judges of election shall decide the election by lot; and in other cases of failure to elect directors or subdirectors, or in cases of a refusal to serve, the board shall appoint.

Tie vote.

Failure to elect or refusal to serve.

Vacancies in board of education, or office of subdirector; how filled

Sec. 3981. Vacancies in any board of education, or vacancies in the office of subdirector of any subdistrict arising from death, non-residence, resignation, expulsion for gross neglect of duty, failure of a person elected or appointed to qualify within ten days after the annual organization or after his appointment, or from other cause, which occur more than fifteen days before the next annual election, the board shall fill within ten days from the occurrence of the vacancy, until the next annual election, when a successor shall be elected to fill the unexpired term; provided such vacancies [in township boards] may be filled by the board of education at the next regular meeting, as prescribed in section 3920.

Control of schools vested in board; appointees.

Salaries.

Terms.

Election of teachers in subdistricts.

Certificate of election to be filed; reference to standing committee.

Report of committee; confirmation.

Failure to confirm.

Failure to elect or confirm.

Dismissals.

Unlawful employment of superintendent of township board.

Sec. 4017. Each board of education shall have the management and control of public schools of the district with full power to appoint a superintendent and assistant superintendents of the schools, a superintendent of buildings, janitors and other employes, and fix their salaries, and shall fix the salaries of the teachers, which salaries may be increased, but shall not be diminished during the term for which the appointment is made; but no person shall be appointed for a longer time than that for which a member of the board is elected. And, in township districts divided into subdistricts, the board of subdirectors shall elect the teachers in their respective subdistricts, but such election shall be subject to confirmation by a majority of the board of education. Whenever any board of subdirectors elects a teacher, the director thereof shall at once file a certificate of such election, signed by at least two members of such board, with the township clerk, who shall refer such certificate of election to the standing committee on teachers, and such committee shall make a report of the same to the board of education, and the board of education shall confirm or refuse to confirm such election at its next regular meeting after the filing of such certificate of election, with the township clerk. If the board of education fails to confirm the teacher elected by any board of subdirectors, such board of subdirectors shall elect another teacher before the next regular meeting of the board of education; if the board of subdirectors fail to elect a teacher for their school, or if the board of education shall fail to confirm such election on or before the third Monday in August of any year, the board of education shall then employ a teacher for such subdistrict. The board of education may dismiss any appointee or any teacher for inefficiency, neglect of duty, immorality or improper conduct.

Sec. 4018. It shall be unlawful for the township board of education, prior to the annual election on the second Monday of April, and the qualification of the director or directors elected thereat, to employ or contract to employ any [teacher] superintendent for a term to commence after the expiration of the current school year; and said board

at the end of any month, or at the end of the term, shall give to the teacher or superintendent employed by them certificates of such employment and of the services rendered, addressed to the township clerk, who, upon presentation thereof, and compliance by such teacher or superintendent with the provisions of section 4051, shall draw orders on the township treasurer for the amounts certified to be due, in favor of the parties entitled thereto, and the treasurer shall pay the same.

Certificate of employment and services.
Orders for pay.

SECTION 2: Sections 3915, 3916, 3917, 3920, 3922, 3927, 3978, 3981, 4017 and 4018 of the Revised Statutes of Ohio as amended (vol. 89, page 93 O. L.) are hereby repealed. This act shall take effect on its passage.

Repeals, etc.

JOHN E. GRIFFITH,

Speaker pro tem. of the House of Representatives.

THADDEUS E. CROMLEY,

President pro tem. of the Senate.

Passed March 11, 1898.

40G

[House Bill No. 239.]

AN ACT

To amend section 4730 of the Revised Statutes of the state of Ohio, as passed April 25, 1893.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4730 of the Revised Statutes, passed April 25, 1893, be amended to read as follows:

Supervisors and road work:

Sec. 4730. The superintendent of any improved or macadamized road, supervisor of county and township roads, or street commissioner of any city or village, shall between the fifteenth and thirtieth days of June, and between the first and fifteenth days of August, and between the fifteenth and thirtieth days of September of each year, cut all brush, briars, Canada or common thistles, or other noxious weeds growing within the limits of any county or township road, improved or macadamized road, street or alley within their jurisdiction; such superintendent or supervisor shall be allowed not to exceed \$1.50 per day for all necessary labor, to be allowed by the trustees and paid by the treasurer of such township out of the road fund then in his hands. Such amount so paid shall be charged as a tax upon the land where such work has been done and certified up to the county auditor by the township clerk of the township where such work has been done, and become a lien upon such land and to be paid the same as any other tax. The superintendent or supervisor of any such roads may allow any land-owner or tenant to cut and destroy any such brush, briars or weeds growing on such highways along the lands abutting on such highways owned or occupied by such land-owner or tenant, and

Destruction of brush, briars, weeds, etc., on highways.

Compensation.

Expense to be charged against land.

Owner or tenant may perform labor; compensation.

Notice to owner
or occupant.

Destruction of
briers, brush,
etc., on toll
roads; penalty.

Repeals, etc.

allow not to exceed \$1.25 per day therefor, which amount shall be credited on the road tax of that year assessed against said premises; provided however, that before any such superintendent or supervisor shall enter on any such lands as herein specified for said purposes, he shall give at least five days' notice in writing to the owner or occupant of such lands. The superintendent or manager of any toll road shall cut and destroy all brush, briers and noxious weeds growing within the limits of any such road between the days of each month, as above specified in this section, and in default thereof, and for five days thereafter, the trustees of any township through which any such road passes, shall cause said brush, briers and weeds to be cut and destroyed, and shall have right of action against any such toll road company for the amount of such work, together with one hundred per cent. penalty, and cost of action to be recovered before any justice of the peace of such county.

SECTION 2. That said section 4730 as amended is hereby repealed and this act shall take effect and be in force from and after its passage.

HARRY C. MASON,

Speaker of the House of Representatives.

THADDEUS E. CROMLEY,

President pro tem. of the Senate.

Passed March 15, 1898.

41G

[House Bill No. 165.]

AN ACT

To make an appropriation to pay the principal and interest on the public funded debt and interest on the irreducible debt and expense of the sinking fund commission.

Appropriations
to pay public
debt.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and is hereby appropriated from any money that may be in the treasury or that may come into the treasury, belonging to the sinking fund, the following sums for the purposes herein named: For payment of the principal of the funded debt due July 1, 1898, and July 1, 1899, four hundred and ninety thousand (\$490,000) dollars; for payment of interest on funded debt, eighty thousand (\$80,000) dollars, or so much thereof as may be necessary to pay the interest falling due July 1, 1898, and January 1, 1899, and July 1, 1899, and January 1, 1900; for interest on irreducible debt of the state, which constitutes the school, ministerial, indemnity fund, Ohio university and Ohio state university, five hundred and seventy thousand (\$570,000) dollars; for the expense of the commissioners in paying the loan and interest due July 1, 1898, and January 1, 1899, and July 1, 1899, and January 1, 1900, fourteen hundred (\$1,400) dollars; for pay-

ment of the office expenses of the commissioners of the sinking fund, including salary of clerk, three thousand (\$3,000) dollars; for carpets, furniture and repairs, two hundred (\$200) dollars.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed March 15, 1898.

42G

[House Bill No. 164.]

AN ACT

To make appropriation for the support of common schools.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated from any moneys raised or coming into the state treasury, for the support of common schools, for the fiscal year ending November 15, 1898, and for the fiscal year ending November 15, 1899, the sum of three million five hundred and sixty-six thousand nine hundred and forty-seven (\$3,566,947) dollars, or as much as may come into the state treasury for that purpose, to be distributed and paid in the manner provided by law, agreeable to section 3956 of the Revised Statutes.

Appropriation
for common
schools.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed March 15, 1898.

43G

[Senate Bill No. 102.]

AN ACT

To amend section 6560 as amended April 27, 1893 (O. L., vol. 90, p. 358).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6560 as amended April 27, 1893 (O. L., 90, p. 358), be amended so as to read as follows:

Justices of the
peace:

Sec. 6560. It shall be lawful for the justice before whom a cause has been tried, on motion, and being satisfied that the verdict was obtained by fraud, partiality or undue means, at any time within four days after the enter-

Causes for new-
trial; time for
such trial;
notice to op-
posite party.

Notice to owner
or occupant.

Destruction of
briers, brush,
etc., on toll
roads; penalty.

Repeals, etc.

allow not to exceed \$1.25 per day therefor, which amount shall be credited on the road tax of that year assessed against said premises; provided however, that before any such superintendent or supervisor shall enter on any such lands as herein specified for said purposes, he shall give at least five days' notice in writing to the owner or occupant of such lands. The superintendent or manager of any toll road shall cut and destroy all brush, briers and noxious weeds growing within the limits of any such road between the days of each month, as above specified in this section, and in default thereof, and for five days thereafter, the trustees of any township through which any such road passes, shall cause said brush, briers and weeds to be cut and destroyed, and shall have right of action against any such toll road company for the amount of such work, together with one hundred per cent. penalty, and cost of action to be recovered before any justice of the peace of such county.

SECTION 2. That said section 4730 as amended is hereby repealed and this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,

President pro tem. of the Senate.

Passed March 15, 1898.

41G

[House Bill No. 165.]

AN ACT

To make an appropriation to pay the principal and interest on the public funded debt and interest on the irreducible debt and expense of the sinking fund commission.

Appropriations
to pay public
debt.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and is hereby appropriated from any money that may be in the treasury or that may come into the treasury, belonging to the sinking fund, the following sums for the purposes herein named: For payment of the principal of the funded debt due July 1, 1898, and July 1, 1899, four hundred and ninety thousand (\$490,000) dollars; for payment of interest on funded debt, eighty thousand (\$80,000) dollars, or so much thereof as may be necessary to pay the interest falling due July 1, 1898, and January 1, 1899, and July 1, 1899, and January 1, 1900; for interest on irreducible debt of the state, which constitutes the school, ministerial, indemnity fund, Ohio university and Ohio state university, five hundred and seventy thousand (\$570,000) dollars; for the expense of the commissioners in paying the loan and interest due July 1, 1898, and January 1, 1899, and July 1, 1899, and January 1, 1900, fourteen hundred (\$1,400) dollars; for pay-

ment of the office expenses of the commissioners of the sinking fund, including salary of clerk, three thousand (\$3,000) dollars; for carpets, furniture and repairs, two hundred (\$200) dollars.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed March 15, 1898.

42G

[House Bill No. 164.]

AN ACT

To make appropriation for the support of common schools.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated from any moneys raised or coming into the state treasury, for the support of common schools, for the fiscal year ending November 15, 1898, and for the fiscal year ending November 15, 1899, the sum of three million five hundred and sixty-six thousand nine hundred and forty-seven (\$3,566,947) dollars, or as much as may come into the state treasury for that purpose, to be distributed and paid in the manner provided by law, agreeable to section 3956 of the Revised Statutes.

Appropriation
for common
schools.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed March 15, 1898.

43G

[Senate Bill No. 102.]

AN ACT

To amend section 6560 as amended April 27, 1893 (O. L., vol. 90, p. 358).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6560 as amended April 27, 1893 (O. L., 90, p. 358), be amended so as to read as follows:

Justices of the
peace:

Sec. 6560. It shall be lawful for the justice before whom a cause has been tried, on motion, and being satisfied that the verdict was obtained by fraud, partiality or undue means, at any time within four days after the enter-

Causes for new
trial; time for
such trial;
notice to op-
posite party.

ing of judgment, to grant a new trial, and he shall set a time for the new trial, of which the opposite party shall have at least three days' notice.

Repeals, etc.

SECTION 2. That section 6560 as amended April 27, 1893 (O. L., vol. 90, p. 358), be and the same is hereby repealed, and this act shall take effect on and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed March 17, 1898.

44G

[Senate Bill No. 75.]

AN ACT

To authorize the election of an additional judge of the court of common pleas in the first subdivision of the third judicial district of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That for the first subdivision of the third judicial district of the state of Ohio, there shall be an additional judge of the court of common pleas, who shall be a resident of said subdivision of said district, composed of the counties of Allen, Auglaize, Mercer, Shelby and Van Wert, to be elected by the qualified voters of said counties as herein provided.

Additional judge
in first subdivi-
sion of third
district.

First election
and term of
office.

Subsequent elec-
tions.

Sheriff's procla-
mation of elec-
tion; returns.

Compensation,
jurisdiction,
powers, duties
and penalties.

SECTION 2. The first election of said additional judge shall be held pursuant to the general election laws of the state of Ohio governing the election of judges of the court of common pleas, at the general election for state and county offices, on the first Tuesday after the first Monday of November A. D. 1898, and the term of office of said judge shall commence on the second Monday of January, 1899, and shall continue for five years; and his successor shall be elected on the first Tuesday after the first Monday in November 1903, and every five years thereafter.

SECTION 3. It shall be the duty of each sheriff of each county of said subdivision to give notice, by proclamation, as is now provided by law, of the time and place of holding such election, which shall be conducted and the returns thereof made in the same manner as is required by law in cases of the election of judges of the court of common pleas.

SECTION 4. Said judge, when elected and qualified, shall receive the same compensation as other judges of said court; and shall also, in every respect, have the same jurisdiction, possess the same power, discharge the same duties, and incur the same penalties, as are now or may hereafter be conferred [conferred] or enjoined by the constitution and laws of the state of Ohio upon other judges of said court.

SECTION 5. If a vacancy occur in the office of said additional judge by death, resignation, or otherwise, such vacancy shall be filled in the manner now provided by law in vacancies in the office of other judges of said court.

SECTION 6. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed March 17, 1898.

45G

[Senate Bill No. 203.]

AN ACT

To authorize the governor of Ohio to convey to the United States of America certain land situated within the corporate limits of the city of Marietta, state of Ohio, being part of the commons in said city, bounded by Putnam street, Front street, Butler street and the Muskingum river; and authorizing the city of Marietta to erect and maintain city buildings and structures on the said commons in said city for public use.

WHEREAS, The Ohio company, in pursuance of resolutions of congress, passed on the twenty-third and twenty-seventh days of July, 1786, entered into a contract with the board of treasury of the United States for the purchase of one million acres of land within certain limits; and

WHEREAS, By ordinance of May 20, 1785, section 29 of each township within the limits of said purchase was reserved by the United States for the purpose of religion; and,

WHEREAS, By resolution of August 30, 1787, the Ohio company directed that five thousand seven hundred and sixty acres of land near the confluence of the Muskingum and Ohio rivers be reserved for a city and commons, which was accordingly done, and the city of Marietta laid out and the plat as it now exists, adopted; and

WHEREAS, It was subsequently made to appear that a considerable portion of the said tract of five thousand seven hundred and sixty acres was covered by section twenty-nine, devoted to the purposes of religion as aforesaid; and,

WHEREAS, Subsequently on the twenty-sixth day of November, 1795, the said Ohio company recognized the fact that it had no right or title to said section twenty-nine, and made other provisions for the proprietors whose lots had fallen within that section; and,

WHEREAS, The said ministerial section, so lying within said city limits, was subsequently invested in the state of Ohio, in trust for the purposes for which it was reserved by congress, and the state of Ohio has vested said section

in trustees called ministerial trustees, in trust for the purposes of carrying out the intention of congress; and,

WHEREAS, The city of Marietta has also been invested with general corporate powers over the commons and streets of said city, but the legal title to the said commons have remained in the state of Ohio, to be managed by the said trustees in accordance with the resolution of congress; and,

WHEREAS, The government of the United States, as part of its scheme for the improvement of the Muskingum river has built, and is maintaining, a permanent lock on the margin of said commons, and desires to erect a lock-keeper's house on said commons, near the central portion of said lock, and maintain the same, to be used in connection with the improvement and control of said Muskingum river; and,

WHEREAS, The said ministerial trustees, by resolution duly passed on the tenth day of February, A. D. 1898, granted to the United States of America, to the full extent that they could grant the same, the right to erect and permanently maintain a lock-keeper's house on said part of said commons, together with the permanent right of way for ingress and egress of persons and vehicles to and from said lock-keeper's house, across said commons, from and to said Front street; and,

WHEREAS, The said trustees also requested the general assembly of the state of Ohio to enact any legislation necessary or proper to vest in the United States of America, the right to erect and to permanently maintain said lock-keeper's house, at or near said site, together with said permanent right of way; and,

WHEREAS, The said trustees, by said resolution, did also give and grant to the city of Marietta, Ohio, to the full extent that said trustees could give and grant the same, the right to erect and permanently maintain city buildings and structures with all necessary or proper rights of way to and from the same over and across said commons on said part of said commons in said city, bounded by Putnum street, Front street, Butler street and Muskingum river, not already occupied by any building or structure now controlled or claimed by said city, and not within said site or said right of way, and not interfering with said existing buildings and structures not so controlled or claimed by said city, and rights of way to and from the same or of the said lock-keeper's house, and said right of way to and from the same, and also requested the general assembly of the state of Ohio to enact any legislation necessary or proper to carry out said request, and to vest in said city the right to erect and permanently maintain city buildings and structures and the rights of way as aforesaid; and,

WHEREAS, The city council of the city of Marietta, Ohio, did on the eighth day of February, 1898, duly pass

a resolution granting to the United States of America, to the full extent that said city could grant, the right to erect and permanently maintain a lock-keeper's house on the part of said commons hereinbefore mentioned, and also requested the general assembly of the state of Ohio to enact any legislation necessary or proper to vest in the United States of America, the right to erect and permanently maintain said lock-keeper's house, at or near said site, together with said permanent right of way to and from said lock-keeper's house, across said commons, from and to said Front street, and also requesting the general assembly of the state of Ohio to enact any legislation necessary or proper to vest in said city the right to erect and permanently maintain city buildings and structures with all necessary or proper rights of way to and from the same, over and across said commons on said part of said commons of said city, bounded by Putnam street, Front street, Butler street and the Muskingum river, not already occupied by any building or structure, and not within said site or right of way to and from the same, or to said lock-keeper's house and said right of way to and from same; and,

WHEREAS, The United States is willing to put the said commons lot in presentable condition, and to improve and maintain in such condition so much at least of said commons lot as it may be permitted to improve and control; now, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the governor of the state of Ohio be, and he is hereby, authorized for and on behalf of the state of Ohio to convey to the United States of America the land necessary for the construction and proper use of said lock-keeper's house on the commons aforesaid, together with the right of way to and from Front street for the purpose of erecting and maintaining a lock-keeper's house as aforesaid. "Bounded and described as follows: Beginning on the southwesterly side of Front street three hundred and forty feet southerly from its intersection with Putnam street; thence at right angles with said Front street to the land wall of the lock No. 1 in said Muskingum river; thence at right angles southerly forty-five feet; thence at right angles to Front street; thence with same northerly to the beginning; but said deed shall contain a provision and condition that no dwelling house or other structure shall be located or erected on said right of way nearer than two hundred and ten feet from Front street."

Governor to issue deed for certain tract of land to United States.

SECTION 2. That the city of Marietta, in the state of Ohio, is hereby authorized to erect and permanently maintain city buildings and structures for public use, together with the necessary and proper rights of way to and from the same over and across said commons, on said part of said commons in said city, bounded by Putnam street, Front street, Butler street, and the Muskingum river, not

Marietta authorized to erect city buildings on commons.

already occupied by any building or structure not used or controlled by said city, and not within said site or said rights of way and not interfering with any existing buildings and structures and rights of way to and from the same, not used or controlled by said city, or with said lock-keeper's house, and said right of way to and from the same.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,

Speaker of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed March 17, 1898.

46G

[Senate Bill No. 62.]

AN ACT

To amend section 6709 of the Revised Statutes of Ohio, as amended (O. L., 91, page 278).

Circuit courts: SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 6709 as amended (91 O. L. page 278), of the Revised Statutes of Ohio be so amended so as to read as follows:

Review of judgment or final order: when error in record must be stated.

Sec. 6709. A judgment rendered or final order made by any court of common pleas, or a judge thereof, may be reversed, vacated or modified by the circuit court of the county wherein such court of common pleas is located, for errors appearing upon the record. All errors assigned in the petition in error shall be passed upon by the court, and in every case where a judgment or order is reversed and remanded for a new trial or hearing, the circuit court shall, in its mandate to the court below, state the error or errors found in the record upon which the judgment is founded. This act shall apply to pending actions, prosecutions and proceedings.

Application of act.

Repeals.

SECTION 2. That section 6709 as amended (91 O. L., page 278), of the Revised Statutes of Ohio be and the same is hereby repealed.

SECTION 3. This act shall take effect from and after its passage.

HARRY C. MASON,

Speaker of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed March 17, 1898.

47G

[Senate Bill No. 171.]

AN ACT

Authorizing the auditor of state to issue a duplicate warrant on state treasury.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the auditor of state is hereby authorized to issue a duplicate warrant in favor of E. J. Cameron, a former inmate of the working home for the blind, for \$25.00; said original warrant No. 12493 issued October 24, 1896, having been lost.

Duplicate warrant for E. J. Cameron.

SECTION 2. This act shall take effect and be in force on and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed March 17, 1898.

48G

[Senate Bill No. 90.]

AN ACT

To amend section 633—15 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 633—15 of the Revised Statutes of Ohio as amended (O. L., 89, page 161), be so amended as to read as follows:

Counties:

Sec. 633-15. The presiding judge of the court of common pleas in each county of the state, at the first spring term of said court, shall appoint six persons, three of whom shall be women, and not more than three of whom shall have the same political affiliations, who shall constitute a board of county visitors, two of whom, as indicated by the appointing judge, upon the fixed appointment, shall serve for one year, two for two years, and two for three years, and upon the expiration of the term of each, his or her place and that of his or her successor shall, in like manner, be filled for the term of three years, who shall constitute a board of visitors, for the inspection of all charitable and correctional institutions supported in whole or in part from the county or municipal funds. Said board of county visitors shall serve without compensation, but actual expenses incurred in the discharge of its duties to an amount not exceeding fifty (\$50) dollars per annum shall be allowed by the county commissioners, and the county auditor shall issue his warrant for the amount, which shall be paid by the county treasurer.

Board of county visitors of charitable and correctional institutions; appointment; qualifications; term; compensation.

SECTION 2. Section 633—15 of the Revised Statutes as amended (89 O. L., page 161), is hereby repealed, and this

act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed March 17, 1898.

49G

[House Bill No. 49.]

AN ACT

To establish a board of city affairs in cities of the first grade of the first class.

Board of city
affairs:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 2205, 2206, 2207 and 2231 of the Revised Statutes of Ohio, be amended so as to read as follows:

Appointment of
board in Cincinnati; apportionment politically; terms.

Sec. 2205. In cities of the first grade of the first class there shall be a board of city affairs, composed of six citizens of said city, well known for their intelligence and integrity, who shall be appointed by the mayor of said city. At the first appointment of such members, two of said members, each of different political parties, shall be designated to serve for one year; two, each of different political parties, for two years; and two, each of different political parties, for three years from the date of their appointment, and until their successors are elected and qualified as hereinafter provided. The successors of the members so appointed shall be elected by the qualified electors of said cities at the municipal election on the first Monday in April, following the expiration of their said terms, and shall serve for a term of three years from and after the date they qualify as such members, and the said persons elected as such successors must qualify within ten days from and after such election. In case of death, resignation or removal of any member so appointed or elected, the mayor shall immediately appoint some citizen of said city to fill the unexpired term of said member. The appointment of members of this board shall be made by the mayor as above provided, so that at no time more than three of said members shall be of the same political party.

Election of successors.

Vacancies.

Bond.

Sec. 2206. Each member of such board of city affairs shall give bond in the sum of one hundred thousand (\$100,000) dollars, to the approval of the mayor and corporation counsel endorsed thereon, conditioned for the faithful performance of his duties, with at least three (3) sureties, who, together, shall qualify in writing, under oath to three times the amount of such bond, which oath shall be filed with such bond.

Duties of members; salary.

Sec. 2207. The members of the board of city affairs shall devote their entire time and attention to the duties of

their office, and shall each receive an annual salary of four thousand (\$4,000) dollars, which shall be paid them in monthly installments. Each member shall, in person, supervise the cleaning, repairing and improvement of the streets, avenues, alleys, lanes, public wharves and landings, market-houses and spaces, bridges, sewers, drains, ditches, culverts and side-walks in one of the districts into which said city shall be divided.

Sec. 2231. The board of city affairs shall have all the power, and perform all the duties heretofore conferred upon or required of the board of administration. And upon the appointment and qualification of the board of city affairs, which shall be considered the successor of the board of administration, the said board of administration is hereby abolished. Concurrence of four members of such board shall be necessary for letting of any contract or other action of said board. Said board shall also have all the powers and perform all the duties heretofore conferred upon and required of the board of infirmity directors in such cities, and in such cities there shall hereafter be no election for the members of such board. The members of said board of city affairs, whether appointed or elected, may be removed only in the same manner and for the same cause as is provided for members of the board of administration, and all laws now in force for the removal of members of said board, shall apply to members of the board of city affairs.

General powers
and duties of
board.

Removals.

SECTION 2. The title, chapter 2, of division 7, of title XII of the Revised Statutes, is hereby amended to read as follows: "Board of city affairs."

Title of chapter.

SECTION 3. Sections 2205, 2206, 2207 and 2231 be and the same are hereby repealed; and this act shall take effect and be in force from and after its passage.

Repeals, etc.

HARRY C. MASON,
Speaker of the House of Representatives.
THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed March 18, 1898.

50G

[House Bill No. 177.]

AN ACT

To amend sections 2486, 2487 (as amended 86, O. L., 108), 2488 (as amended 86 O. L., 108), and 2489 (amended 83 O. L., 155) of the Revised Statutes of Ohio, confer additional powers upon municipal corporations, and provide for a board of trustees for electric light works.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 2486, 2487 (as amended 86 O. L., 108), 2488 (as amended 86 O. L., 108), and 2489 (as amended 83 O. L., 155), of the Revised Statutes of the state of Ohio be amended so as to read as follows:

Gas companies:

Council may
erect or pur-
chase gas or
electric works.

Sec. 2486. The council of any city or village shall have power, whenever it may be deemed expedient and for the public good, to erect gas works or electric works at the expense of the corporation, or to purchase any gas or electric works already erected therein.

Trustees of gas
works.

Sec. 2487. When such purchase shall have been made, or gas or electric works erected, or authorized to be erected, at the expense of the corporation, the council shall create and appoint a board of trustees, of not more than five or less than three members, which shall construct said gas works or said electric works according to plans and specifications to be furnished by the city or village council, and shall manage said gas or electric works, when they shall have been constructed or purchased, and supply the corporation and citizens thereof with gas or electricity; and the trustees aforesaid, shall serve until their successors are elected and qualified as hereinafter provided.

Election of trustees; terms; compensation; oath.

Sec. 2488. At the annual spring election occurring next after such purchase or the completion of gas or electric works erected at the expense of the corporation, the qualified voters of the corporation shall elect said trustees, to be known as "the trustees of the gas works," or "the trustees of the electric works," who shall hold their office for a term of years corresponding to the number of members constituting said "trustees of gas or electric works;" except that at the first election, when said board of trustees is composed of three members, one trustee shall be chosen for one year, one for two years, and one for three years, and thereafter one trustee shall be elected annually; when said board is composed of four members, then at said first election one trustee shall be chosen for one year, one for two years, one for three years, and one for four years, and thereafter one trustee shall be elected annually; when said board is composed of five members then at said first election one trustee shall be chosen for one year, one for two years, one for three years, one for four years and one for five years, and thereafter one trustee shall be elected annually; and said trustees shall receive such compensation for their services as the council by ordinance shall fix; said trustees shall qualify by taking the official oath and each give a bond acceptable to the city council, said bond shall be in a sum not less than five thousand dollars nor more than fifty thousand dollars, as shall be determined by the council in the ordinance creating the said board of trustees of gas or electric works.

Powers and
duties of trustees.

Sec. 2489. The board may construct gas works, extend gas pipes, manufacture and sell gas and coke, collect gas bills and other moneys due from gas, coke or other material sold by it, manage, conduct and control the gas works, or may construct electric works, erect and extend lines, manufacture and sell electricity, collect lighting and electric bills and other money due to the city arising from said works, manage, conduct and control the same; prescribe by-laws, the price of gas and coke or electricity under such rules and

regulations as by ordinance the city council may prescribe, and the manner of using the product of such works; and to carry into effect the provisions of this section said trustees of such gas or electric works may also purchase material, employ laborers, appoint officers, purchase or lease the necessary real estate and erect buildings thereon; and said board shall keep a complete record of their proceedings and of all moneys received or disbursed by them, shall make monthly reports to the council of the receipts and disbursements of money belonging to the said gas or electric works, and an annual report of the condition of the same; and all money collected for gas works or electric works purposes shall be deposited weekly by the collectors thereof with the treasurer or the corporation, taking duplicate receipts therefor, and one of the receipts therefor shall be deposited with the clerk of said board, and the other with the city clerk, or auditor, as the case may be, and all money so deposited shall be kept as a separate and distinct fund, subject to the order of the board; and all moneys levied or assessed by the corporation for the purpose of paying for public lighting shall be by the council of such corporation paid and turned over to such board of trustees, and be by them disposed of the same as though it had been received from private individuals; and all orders drawn by the trustees or board on the treasurer of the corporation shall be drawn out of such fund and shall be signed by the president of said board and countersigned by the clerk thereof; and no contract involving the expenditure of money shall be entered into by said board of trustees unless there is money in said fund sufficient to meet the same, unappropriated for any other purpose.

Orders.

Contracts

SECTION 2. That said sections 2486, 2487 (as amended 86 O. L., 108), 2488 (as amended 86 O. L., 108), 2489 (as amended 83 O. L., 155) of the Revised Statutes of Ohio be and the same are hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed March 22, 1898.

51G

[Senate Bill No. 188.]

AN ACT

To amend section 553 of the Revised Statutes of Ohio, as amended April 18, 1892.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section five hundred and fifty-three (553) of the Revised Statutes, as amended April 18, 1892, be and is hereby amended to read as follows:

Courts of
record:

Court constables; powers; duties; compensation.

Sec. 553. The court of common pleas and circuit court in any county, and the superior court in any city or county, and the probate court in any county containing a city of the first class (except fourth grade), and of the first grade of the second class, may each appoint one or more constables to preserve order and discharge other duties as the court requires; and in any county containing a city of the second grade of the second class, the constable so appointed by the court of common pleas shall perform the same duties in the probate court; and each constable, when so directed by the court, shall have the same power to call and impanel jurors, which by law the sheriff of the county has, except in capital cases. The compensation of such constables shall be the same as that of regular jurors; except in the counties containing a city of the first grade of the first class and of the first grade of the second class, and of the second grade of the first class, the compensation of all court constables shall be one thousand dollars per annum each; and in all counties having a population of not less than eighty-four thousand one hundred and fifty and not more than eighty-four thousand two hundred and fifty at the federal census of 1890, it shall be six hundred dollars per annum, and in counties containing cities of the third grade of the first class the compensation of such constable so appointed by the court of common pleas shall be six hundred dollars (\$600.00) per annum; and in all cases shall be paid out of the county treasury on the order of the court.

Repeals, etc.

SECTION 2. That said section 553 of the Revised Statutes, as amended April 18, 1892, be and the same is hereby repealed; and this act shall take effect on its passage.

HARRY C. MASON,

Speaker of the House of Representatives.

THADDEUS E. CROMLEY,

President pro tem. of the Senate.

Passed March 22, 1898.

52G

[House Bill No. 115.]

AN ACT

To amend section 4553 (as amended 86 O. L., page 256) of the Revised Statutes of Ohio.

Township ditches:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4553 (as amended 86 O. L., page 256) of the Revised Statutes of Ohio be so amended as to read as follows:

Proceedings to clean out ditch.

Sec. 4553. It shall be the duty of the trustees of each township to examine all township ditches within their respective townships once in every two years as to the necessity of cleaning the same out, and if after such examination they deem it necessary that any such ditch or ditches need

cleaning, they shall make an estimate of the amount of labor, and the cost of cleaning out said ditch or ditches, and fix the portion thereof that the owner or owners of each lot or tract of land, and each corporation assessed for the construction of said ditch or ditches, shall be assessed for such cleaning out, and such assessment shall be made according to benefits to accrue to each landowner interested as near as practicable, unless the necessity for such cleaning out arose from the act or neglect of any landowner or corporation, in which case such act or neglect shall be considered, and the assessment of said landowner or corporation proportionably increased.

SECTION 2. Said section 4553 as amended April 12, 1889 (86 O. L., page 256), is hereby repealed, and this act shall take effect, and be in force, from and after its passage. Repeals.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed March 25, 1898.

53G

[House Bill No. 309.]

AN ACT

Making appropriations to build a sewer for the Cleveland state hospital, and repealing an act passed February 7, 1896, making appropriations to build a sewer for the Cleveland state hospital, and repealing an act passed May 1, 1894, making appropriations to build a sewer for the Cleveland state hospital.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and is hereby appropriated out of all the moneys in the treasury, not otherwise appropriated, to the credit of the general revenue fund, for the purpose hereinafter specified, to-wit: For constructing a sewer from the sewer of the Cleveland state hospital to the sewer of the city of Cleveland at the corner of Miles avenue and Broadway, fifteen thousand dollars (\$15,000). Any balance in the foregoing funds may be transferred to either of the other funds of the trustees of the Cleveland state hospital.

Appropriation
for constructing
sewer at Cleve-
land state hos-
pital.

SECTION 2. That the act passed February 7, 1896, entitled "An act making appropriations to build a sewer for the Cleveland state hospital," and repealing an act passed May 1, 1894, entitled "An act making appropriations to build a sewer for the Cleveland state hospital," and said act passed May 1, 1894, entitled "An act making appropriations to build a sewer for the Cleveland state hospital," be and the same are hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed March 25, 1898.

54G

[House Bill No. 226.]

AN ACT

To repeal sections 2 and 3 of an act entitled "An act to amend section 1707, section 1785, as amended February 27, 1885, sections 1804 and 1808, as amended April 6, 1886, and sections 1812 and 1813 of the Revised Statutes of Ohio," passed February 17, 1887 (O. L., vol. 84, page 28).

Repeals. SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 2 and 3 of an act entitled "An act to amend section 1707, section 1785, as amended February 27, 1885, sections 1804 and 1808, as amended April 6, 1886, and sections 1812 and 1813 of the Revised Statutes of Ohio," passed February 17, 1887 (84 O. L., page 28), be and the same is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed March 25, 1898.

55G

[Senate Bill No. 18.]

AN ACT

To amend certain sections relating to the duties of county surveyors.

County ditches: SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 4452, as amended April 19, 1894 (O. L., 91 v., 160); sections 4453, 4454, 4455, as amended April 20, 1881 (O. L., 78 v., 204); sections 4456, 4459, as amended April 20, 1881 (O. L., 78 v., 204); 4461, as amended March 15, 1884 (O. L., 81 v., 48); 4475, as amended February 19, 1896 (O. L., 92 v., 27); 4477, as amended March 13, 1894 (O. L., 91 v., 61); 4478, as amended April 10, 1884 (O. L., 81 v., 30); 4497, as amended April 6, 1893 (O. L., 90 v., 145); 4497a, as amended April 27, 1896 (O. L., 92 v., 395); 4642, as amended April 30, 1869 (O. L., 66 v., 68); 4760, as amended April 30, 1869 (O. L., 66 v., 62); 4831, as amended March 20, 1884

(O. L., 81 v., 56), of the Revised Statutes, be so amended as to read as follows:

Sec. 4452. Said commissioners shall meet at the place of beginning of said ditch as described in the petition on the day so fixed, as aforesaid, and hear any and all proof offered by any of the parties affected by said improvement, and other persons competent to testify and determine the necessity thereof, and may adjourn from time to time and to such place as the necessity of the work may require; and in case said commissioners find for said improvement, they shall fix a day for the hearing of application for any appropriations of land taken for said improvement and damages said parties affected by said improvement or any of them, may sustain thereby, and for the approval of the report of the county surveyor, as hereinafter provided for.

Hearings by
commissioners.

Sec. 4453. If the commissioners find against the improvement, they shall dismiss the petition and proceedings at the cost of the petitioners, and they shall cause an itemized bill of all the costs to be made up by the auditor for their examination and approval, which shall include the per diem of the county surveyor, together with all costs necessarily made, except fees of the auditor and compensation of the commissioners.

Finding against
the improve-
ment.

Sec. 4454. If the commissioners find for the improvement, they shall cause to be entered on their journal an order directing the county surveyor to go upon the line described in the petition, or as changed by them in accordance with section forty-four hundred and eighty-nine, and survey and level the same, and set a stake at every hundred feet, numbering down stream, note the intersections of lines and boundaries of lands, townships and county lines, landmarks, bench-marks and road-crossings, and make a report, profile and plat of the same, and estimate the number of cubic yards of earth or other substance to be removed, and the cost per cubic yard for each working section as hereinafter provided, and of each section of one hundred feet.

Finding for the
improvement;
survey and plat.

Sec. 4455. The commissioners shall, also, by their order, direct the county surveyor to make and return a schedule of all the lots, and lands, and public or corporate roads, or railroads that will be benefited, with an apportionment of the cost of location, and the labor of constructing the improvement, in money, according to the benefits which will result to each, and a specification of the manner in which the improvement shall be made and completed, the number of flood-gates, waterways, farm crossings and bridges necessary, including kinds and dimensions thereof, and all county and township lines and railroad crossings.

Surveyor to re-
port an assess-
ment, etc., of
cost of ditch.

Sec. 4456. The plat provided for in section forty-four hundred and fifty-four shall be drawn upon a scale sufficiently large to represent all the meanderings of the proposed improvement, and shall distinctly show the

What plat shall
show.

boundary lines of each lot or tract of land, and of each road or railroad, to be benefited thereby, the name of the owner of each lot or tract of land as the same appears upon the tax duplicate at the time, the authority or company having in charge or owning or controlling each public or corporate road or railroad, the distance in feet through each tract or parcel of land, together with such other matters as the county surveyor deems material; the profile shall show the surface, the grade line and the gradient fixed, and the county surveyor shall make and file with his report an itemized bill of all costs made in the proper discharge of his duties under this and the preceding two sections, and shall file his report with the county auditor within thirty days after making the survey and level.

Commissioners
may change ap-
portionment.

Sec. 4459. If the commissioners find that the apportionment, reported by the county surveyor, is unfair and unjust, and ought not to be confirmed, they shall so amend it as to make it fair and just, in proportion to benefits, and if necessary, in their opinion, they may adjourn the further hearing not exceeding twenty days, unless for good cause, further time is necessary, to a day to be fixed by them and go upon the premises, and view the same and apportion the entire cost of location, and construction or any part thereof, as may seem just and proper, but if parties, not included in the county surveyor's apportionment, or [are] found to be benefited, and are assessed by the commissioners, such parties shall be notified as provided in section four thousand four hundred and fifty-seven, and the commissioners shall, on the day fixed in said notice, again meet at the auditor's office and determine the apportionment.

Commissioners
to fix compensa-
tion and dam-
ages; how com-
puted.

Sec. 4461. The commissioners shall upon actual view of the premises fix and allow such compensation for lands appropriated as they may deem just and equitable, and assess such damages as will in their judgment accrue from the construction of the improvement, to each person or corporation making application therefor as provided in section four thousand four hundred and sixty, and without such application, to each idiot, insane person, or minor owning lands taken or affected by the improvement. But such compensation shall be computed without deduction for benefits to any property of such person, or corporation; and they may on the day set for hearing, at the time of the view of the premises provided for in this section, take into consideration the application for the change or alterations as provided for in section four thousand four hundred and sixty, and if they find that such change or alteration will be equally beneficial, they may order the county surveyor to go upon the line of the improvement and survey said change or alteration; and all expenses attending the making said alteration and change, with the increased cost of construction, if any, shall be charged to the party or parties benefited thereby, which shall be collected and paid by them as other assessments. When the

Expenses, how
defrayed.

allowance for compensation and damages is fixed and determined as provided in this section, the commissioners shall consider and determine according to their best knowledge and judgment the proportionate benefits to accrue from the construction of the proposed improvement. If they shall find that the public health, convenience or welfare will be promoted by said improvement, and that the same is of sufficient importance to the public cause the damages and compensations which have been assessed to be paid out of the county treasury, they shall order the same to be so paid, or they may order a portion thereof to be paid by the county and the remainder by the benefited landowners, as they may deem just and equitable. But if in their opinion such improvement is not of sufficient importance to the public to cause such damages and compensation, or any part thereof to be paid by the county, they shall fix and determine the proportionate amount thereof which should be paid by the several landowners benefited by the improvement. And in either case the commissioners shall direct the auditor to issue an order on the county treasurer to each of the several claimants to whom compensation or damages was allowed for the amount due, and to enter on the ditch duplicate the amounts assessed against the several benefited landowners for the payment of such compensation and damages, payable in the same ratio and manner as other assessments, and to be collected as other taxes. In the assessment for the payment of compensation and damages, whether the whole or a part thereof be ordered paid by the benefited landowners, the commissioners shall apportion the same on all the lots and lands, and public or corporate roads or railroads that will be benefited. Provided, however, that if any person or corporation aggrieved by any final order or judgment of the commissioners shall at the final hearing before them, or within such time as may be provided by law, file a written notice of an intention to appeal therefrom, no further proceedings shall be had and no payments shall be made as herein provided until said proceedings on appeal shall be finally disposed of and determined.

When compensation to be paid by county or jointly.

When compensation to be paid by landowners.

Auditor to issue warrant; assessment.

How apportioned.

Aggrieved person; notice of appeal.

Sec. 4475. In cases where appeals have been taken after the transcript of the proceedings before the probate judge, and all other papers in the case are returned to the auditor's office, the commissioners shall cause such entry to be made on their journal as may be necessary to give effect to the verdict, and findings of the jury, and in such cases and in cases where no appeals have been taken, they shall fix a time for the sale of the construction of the improvement at public outcry in sections not less than one hundred feet nor more than two thousand five hundred feet in length, and shall cause notice to be given of the time and place of the sale, and direct the county surveyor to attend at the time and place of sale to superintend and conduct the same, and shall receive all bids for the construction of

When and how commissioners to sell out work

the improvement, and make contracts with the lowest responsible bidders, and take good and sufficient bonds for the labor of the construction of the improvement, conditioned for the faithful performance of the contract so made, and for the completion of the work within time fixed in the contract in a sum not less than double the estimated value of the part bid off, and contracted to be performed by each, and said county surveyor shall furnish each contractor with specifications of the part bid off by him.

Bids for tile or
pipe; inspection
of same.

Sec. 4475—1. The county surveyor shall be authorized to receive bids for drain tile or ditch pipe, generally, at the same time and place as the balance of the ditch improvement. Said county surveyor shall, on or before thirty days after delivery, count and inspect such tile or pipe, and for such that are first class, merchantable, good tile or pipes, and in every particular complying with the contract and specification, he shall issue his certificate showing the acceptance of the same. The auditor shall, upon presentation of such certificate to him, draw his warrant on the treasurer of the county for the full amount, and the county treasurer shall pay the same out of any fund in the treasury applicable to such purpose.

Auditor to issue
warrant for
payment.

Sale of work.

Sec. 4476. No bid shall be entertained which exceeds the estimated cost of construction; the county surveyor shall sell, first, the job or labor of the construction of the working section of the outlet or mouth of the improvement, and fix a day when the job shall be completed, not exceeding in any case, one hundred and fifty days from the day of sale, and shall then sell each remaining working section in its order, up stream, and require the labor on each to be completed within a time so fixed that will, as nearly as practicable secure an outlet for the water as each section is completed, but the commissioners may, if the construction of such work will be facilitated thereby, authorize the sale or construction of such work, or either, to be made and performed in a different order and time from that hereinabove specified. The county surveyor shall make contracts and take bonds as aforesaid and report his doings to the commissioners within five days from the date of sale, and return the contracts and bonds to the auditor, who shall file and carefully preserve the same; the contracts and bonds shall be examined and approved or disapproved by the commissioners, who shall cause an entry of their decision to be made on their journal, and the contractors to be notified of the approval or disapproval of the contracts and bonds; and the contractor for each job shall be liable, on his bond so given, for all delays after the expiration of the time named therein for the completion of the job, and for the payment of all damages which accrue by reason of the failure to complete the job within the time required in the contract therefor, and for the payment of all labor and material and for all debts incurred in the performance of this contract. All claims under this act shall be filed

Contracts;
bonds of
bidders; to be
filed with
auditor.

Liability of
contractor.

with the county surveyor before the expiration of the time for the completion of such contract.

Sec. 4477. The work shall be done under the supervision of the county surveyor and when a part, not less than one-fourth of the portion thereof included in any contract is completed in accordance with the specifications, he shall give to the contractor a certificate thereof, showing the proportional amounts which the contractor is entitled to be paid by the terms of his contract; and the auditor shall, upon the presentation of such certificate to him, draw his warrant on the treasurer for not more than seventy-five per cent. of the amount, and the treasurer shall pay the same out of any funds in the treasury applicable to such purposes; or if the commissioners have determined to issue bonds for the construction of such work, they may, if the contractor consent, pay in bonds, but proportioned amounts shall not be certified or paid unless the whole job amounts to more than one thousand cubic yards. When the whole contract is completed, the entire price may be paid in the manner aforesaid.

Supervision of
work and pay-
ment of con-
tractors.

Sec. 4478. Any job not completed within the time fixed in the contract and bond may be reestimated by the county surveyor, and resold by him to the lowest possible bidder, or he may complete it at the expense of the contractor and bondsmen, but such jobs shall not be resold for a sum greater than such estimate or reestimate, nor a second time to the same party; a contract and bond shall be entered into as hereinbefore provided, but the commissioners may, for good cause, give further time to any contractor, not exceeding one hundred and twenty days; the county surveyor shall fix a time for the completion of the work resold not exceeding one hundred and twenty days from the date of the bond. A person or corporation who has sustained damages in consequence of the non-performance of such work may bring suit for damages in any court of competent jurisdiction, against any contractor failing to perform his contract, or upon the bond of such contractor, and recover damages, as provided by law in other cases; and no contractor shall be prosecuted on his bond until the section below has been completed.

When contract
not completed.

May sue for
damages.

Sec. 4497. When a county ditch needs to be cleaned out, any three owners of tracts of land which drain into and where [were] assessed for the original construction of the ditch, and in cases where in all such tracts of land may be owned by not more than three owners, any two of them, and in cases where such lands are owned by only two owners, one of them may make a statement to the county auditor, in writing, setting forth such necessity, and thereupon the county commissioners shall appoint the county surveyor as an examiner and furnish him with the number of stakes, a record of their location, the depth and width and other necessary information regarding the ditch, and set the time for cleaning the same. The county surveyor, without un-

Cleaning out of
ditch; proceed-
ings; examiner.

necessary delay, shall examine and reapportion such section or sections which may belong to land which may have been subdivided, and restake the ditch and notify the owners of each piece of land taxed for the original construction, designating the amount, dimension and location of his original apportionment, to clean out the same within the time set by the county commissioners unless he shall find that the necessity for cleaning out has occurred by the act or neglect of any landowner along the line of the ditch, in which case such act or neglect shall be considered. The county surveyor shall then make a return of his proceedings to the county commissioners who shall make a proper record of the same.

Necessity for cleaning; owner may make sworn statement to auditor.

Auditor to notify surveyor; duty of the surveyor.

Return of estimate and assessment; notice to landowner.

Assessment to be placed upon tax duplicate.

Work to be sold.

Payment of contractor.

County roads: Appointment of viewers.

Sec. 4497a. Provided, however, that when a ditch needs to be cleaned out, any resident owner of any tract of land which was assessed for the construction may make a sworn statement to the county auditor, in writing, setting forth such necessity. And when said written sworn statement is made within three years from the original construction, or for material improvement by deepening and widening said ditch, and as often thereafter as may be necessary to keep said ditch in good repair, said county auditor shall forthwith notify the county surveyor [to] examine the same [said] ditch, who shall go without unnecessary delay, upon the line thereof and make an estimate of the amount of money required therefor and fix the portion thereof that the owner of said tract of land and each corporation, county or township assessed for the construction of the ditch, shall be assessed for such cleaning out; and such assessments shall be made according to the benefits; unless the necessity for the cleaning out arose from the act or neglect of some landowner or corporation, in which case such act or neglect shall be considered. Said county surveyor shall return his estimate and assessment to said auditor in writing, who shall appoint a day for hearing the same, and direct said county surveyor to give notice thereof to each owner of land and corporation affected thereby when said auditor may make such changes therein as he may deem right and proper; he shall enter upon a journal to be kept for that purpose the assessment as approved by him and he shall place such assessment upon the duplicate against the land, upon which they are assessed, to be collected as other taxes; the work of cleaning out the ditch shall be advertised, sold and let, and the contracts therefor performed, as provided in this chapter; the contractor shall be paid, by warrant of the county auditor upon the county treasurer, out of the assessments so made, and paid upon the certificates of said county surveyor, that he has performed his contract; but if at the presentation of any certificate all the assessments have not been paid, payments shall be made thereon pro rata.

Sec. 4642. On the presentation of the petition, if the commissioners are satisfied that notice has been given as

aforesaid, they shall appoint three disinterested freeholders of the county as viewers, who shall also be a jury to assess and determine the compensation to be paid in money for the properties sought to be appropriated, without deduction for benefit to any property of the owner, and to assess and determine how much less valuable, if any, the land or premises from which such appropriation may be taken, will be rendered by the opening and construction of the road, and the county surveyor to survey the same; and shall issue an order directing the viewers, with the county surveyor, to proceed on a day to be named in the order, or on their failing to meet on that day, within five days thereafter, to view, survey, and lay out or alter said road, and determine whether the public convenience requires that such road or any part thereof shall be sixty feet in width, or whether a less width than sixty [feet] will as well promote the public convenience, and report the width, in their opinion, the same shall be established and opened.

Commissioners
to issue order to
viewers.

Sec. 4760. The county commissioners may authorize the commissioners by them appointed to call to their assistance the county surveyor, with the necessary and proper assistance to lay out, survey and locate such turnpike road through or upon any improved or unimproved lands, on the best route between the point of beginning and termination, and to obtain by grant, or take propositions for the purpose from the owners of land over which the road will pass, the right of way, and to take timber and other materials necessary to the construction and repair of the same.

Turnpikes:
Powers of
county com-
missioners.

Sec. 4831. Upon the presentation of a petition stating the kind of improvement prayed for and the points between which the same is asked, signed by five or more of the landholders whose lands will be assessed for the expense of the same, and the filing of a bond signed by one or more responsible freeholders to whom the petitioners shall be responsible, pro rata, conditioned for the payment of the expenses of the preliminary survey and report, if the improvement be not finally ordered, the commissioners shall appoint three disinterested freeholders of the county as viewers and the county surveyor, to proceed upon a day to be named by the commissioners to examine, view, lay out, and straighten such road, as in their opinion public convenience and utility require. Provided, that in locating such improvements within the territorial limits of any incorporated village or town, the county surveyor and viewers shall be confined to the platted streets of such village or town.

Two-mile as-
sessment pikes:
Petition for im-
provement; ap-
pointment of
viewers; duties.

SECTION 2. That section 4452, as amended April 19, 1894 (O. L., 91 v., 160); sections 4453, 4454, 4455, as amended April 20, 1881 (O. L., 78 v., 204); sections 4456, 4459, as amended April 20, 1881 (O. L., 78 v., 204); 4461, as amended March 15, 1884 (O. L., 81 v., 48); 4475, as amended February 19, 1896 (O. L., 92 v., 27); 4477, as amended March 13, 1894 (O. L., 91 v., 61); 4478, as

Improvements
in municipal-
ities.

Repeals.

amended April 10, 1884 (O. L., 81 v., 30); 4497, as amended April 6, 1893 (O. L., 90 v., 145); 4497a, as amended April 27, 1896 (O. L., 92 v., 395); 4642, as amended April 30, 1869 (O. L., 66 v., 68); 4760, as amended April 30, 1869 (O. L., 66 v., 62); 4831, as amended March 20, 1884 (O. L., 81 v., 56), of the Revised Statutes of Ohio, be and the same hereby are repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed March 25, 1898.

56G

[House Bill No. 173.]

AN ACT

For the relief of George Douglas, Co. I, sixteenth regiment, O. N. G., and to reimburse him for money expended and for loss of time by reason of sickness, contracted at the encampment of the Ohio national guard at Cleveland, Ohio, July, 1896. — — —

Warrant in favor
of George
Douglas.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the auditor of the state of Ohio, be and is, hereby authorized and required to issue his warrant on the state treasury to pay George Douglas, of Co. I, sixteenth regiment of infantry of Ohio national guard, and now living at Clyde, Sandusky county, of Ohio, the sum of \$500 out of any money in the state treasury to be credited to the general revenue fund and not otherwise appropriated. Which sum shall be in full liquidation and payment to said George Douglas for loss through sickness, contracted by him while in the line of duty as regimental commissary sergeant of the sixteenth regiment of the Ohio national guard, while being encamped at Camp Moses Cleveland, Cuyahoga county, A. D. 1896.

SECTION 2. This act to take effect from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed March 25, 1898.

57G

[Senate Bill No. 449.]

AN ACT

To amend "An act to supplement section 4889 of the Revised Statutes," passed February 26, 1896.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4889a enacted as supplementary to section 4889 of the Revised Statutes of Ohio, passed February 26, 1896, be so amended as to read as follows:

Repair of improved roads:

Sec. 4889a. In Pickaway county, the county commissioners shall repair all embankments or levees, on which free turnpike roads are located, which have been constructed to prevent overflows and inundations of said free turnpikes, and the expense of repairing such embankments or levees, or free turnpikes constructed thereon, shall be paid out of the money raised by taxation for road or bridge purposes in said county.

Certain repairs in Pickaway county.

SECTION 2. That said original section 4889a enacted as supplemental to section 4889, be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed March 30, 1898.

58G

[House Bill No. 268.]

AN ACT

To repeal an act passed April 27, 1896, entitled "An act to appropriate funds to complete the improvement of deepening, widening and straightening the Kirkersville feeder to the Buckeye lake, and make repairs to the gates and banks wherever necessary" (vol. 92, O. L., 423, 1896), and to appropriate funds to complete the improvement of deepening, widening and straightening the Kirkersville feeder to the Buckeye lake, make repairs to the gates and banks of said lake and feeder wherever necessary, and dredge channels for boats in said Buckeye lake.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be appropriated from any moneys in the state treasury to the credit of the general revenue fund, not otherwise appropriated, the sum of five thousand dollars, or so much thereof, as is deemed necessary for the special use of the board of public works to complete the improvement of deepening, widening and straightening the Kirkersville feeder to Buckeye lake from a point to be decided by said board on the recommendation of the engineer, so as to give the said feeder a uniform

Appropriation for Kirkersville feeder and Buckeye lake.

Contracts for
improvement.

Repeals.

grade and make the bed of said feeder correspond to that already finished, as shown by the maps and profiles on file in the office of the board of public works; also to make repairs to the gates and banks of said Buckeye lake, and said feeder where the same is necessary, and if deemed expedient, to replace the same with new ones; also that any balance of said appropriation shall be used by said board of public works for dredging channels for boats through said Buckeye lake and constructing islands in the same; the improvement of said feeder shall be let by said board of public works by contract, either as a whole or in sections, according to law.

SECTION 2. The act passed April 27, 1896, entitled "An act to appropriate funds for the improvement of deepening, widening and straightening the Kirkersville feeder to the Buckeye lake, and make repairs to the gates and banks of said lake wherever necessary" (vol. 92 O. L., 423, 1896), is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed March 30, 1898.

59G

[House Bill No. 255.]

AN ACT

To amend section 3926 (as amended 88 O. L., page 297) of the Revised Statutes of Ohio.

Special school
districts:

How special
district
abandoned.

Notice of elec-
tion.

Judges of elec-
tion; how
chosen.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3926 (as amended 88 O. L., page 297), be amended so as to read as follows:

Sec. 3926. When the electors of a special or village district desire to abandon their organization, and become a part of the township district of the township in which such special or village district is located, they make the change in the following manner: Written or printed notices shall be posted in at least five of the most public places in the district, signed by a majority of the members of the board of education, or one of the board, and at least six resident electors of the district, requesting the qualified electors thereof to assemble on a day, and at an hour and place, designated in the notices, which notices shall be posted at least ten days prior to the day designated in them, then and there to vote for or against such change; the electors, when assembled at the time and place designated in the notices, shall appoint a chairman and two clerks, who shall be judges of the election, which

shall continue at least two hours; those in favor of the proposed change shall have written or printed on their ballots the words, "School — Change," and those opposed thereto the words, "School — No change," and a majority of the ballots cast shall determine the question whether the change be made; the judges shall within five days after the election make due return thereof to the board of education of the district; and if a majority of the votes cast are in favor of the change, the board shall immediately certify that fact to the township board, which shall thereupon assume jurisdiction of the territory, property, and affairs of the special district, and thereafter treat such district as a subdistrict of the township district. Provided, however, that in a special district, which has been created from two or more joint subdistricts, subdistricts or parts of subdistricts if the electors of the territory which formerly composed any one or more of such joint subdistricts, subdistricts or parts of subdistricts desire to withdraw from the special district organization and become a part of the township in which they are situated, they may make the change as provided in this section 3926, except that posted notices signed by six resident electors shall be sufficient to call such election.

Returns of election.

Township board to have jurisdiction of territory, property, etc.

Withdrawal from special district; how effected.

SECTION 2. That said section 3926 (as amended 88 O. L., page 297) is hereby repealed and this act shall take effect from and after its passage.

Repeals, etc.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed March 30, 1898.

60G

[Senate Bill No. 87.]

AN ACT

To provide for the education of the children in the state of Ohio, who are both blind and deaf.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That, on and after the passage of this act, the institution for the education of the deaf and dumb shall also be open to receive such blind and deaf children, residents of the state, as the trustees and superintendent judge from reliable information and examination to be suitable persons to receive instruction therein, and the superintendent is hereby authorized to employ a suitable teacher or teachers, and nurse or nurses, and to make all necessary arrangements for the instruction and care of such blind and deaf children as may be admitted. The compensation of said teachers and nurses shall be fixed by the trustees. No such deaf and blind child shall be admitted under four

Institution for deaf and dumb: Admission of blind and deaf children.

Employment of teachers and nurses: compensation.

Age of admission: length of time children permitted to remain.

Regulations for
admission and
education.

Education of
deaf and blind
children at
home.

years of age, or shall remain more than twelve years, or such a part thereof as the superintendent thinks its progress justifies; and all rules and regulations, which apply to the admittance and education of the deaf and dumb, shall apply to the deaf and blind so far as the same are applicable.

SECTION 2. The trustees of said institution, when it seems to them fit and proper, shall provide for the education of any deaf and blind child at its home, the teachers to be appointed and directed the same as when the child is placed in the institution.

SECTION 3. This act shall take effect from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed March 30, 1898.

61G

[Senate Bill No. 33.]

AN ACT

To provide for the creation, maintenance and distribution of a policemen's pension fund in certain cities in which the tenure of office of members of the police department is during good behavior.

Board of trustees of police pension fund; how constituted.

Style of title of board; powers of board.

Notice of election.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in each city of said state in which the tenure of office of members of the police department is during good behavior, except Cincinnati, Cleveland, Columbus, Dayton and Toledo, a board of trustees of a fund to be known as "the policemen's pension fund" shall be and is hereby created, which board of trustees shall be composed of the members of the board or committee having control or supervision of the police department, in each of said cities, and of three other persons, members of such police department, which three other members shall be elected in the manner hereinafter provided. The board of trustees so constituted shall, in each instance, be known as "the board of trustees of the policemen's pension fund of the city of ——— (the blank in the name, to be filled with the name of the proper city), and by that name, shall be a body corporate, with powers of succession, and, as such, shall have power to sue and to be sued, by such corporate name.

SECTION 2. That within sixty days after this act shall take effect, or shall become applicable hereafter, the chief officer of the police department of such city, to which this act is applicable, shall give at least two weeks' notice, in writing, to each member of the police department in such city that upon a date to be named in such notice, not less

than one week nor more than two weeks from the date of such notice, an election of three members of said board of trustees will be had. Such election shall be by ballot, and shall be held between the hours of 8 o'clock a. m. and 6 o'clock p. m., of the day named in such notice, at the police headquarters of such city. Each member of the police department of such city shall have the right to cast a ballot for three candidates for trustees, and the ballots, so cast, shall be inspected and counted by the mayor, chief officer of the police department and the solicitor of such city, and the three persons receiving the highest number of votes shall be elected. Within one week from the counting of the ballots, the officers counting such ballots, or any two of them, shall certify, in writing, to the clerk of such city the result of such election. The three trustees so elected shall take and subscribe an oath to faithfully discharge the duties of their office, which oath may be administered by any officer authorized to administer oaths under the laws of the state of Ohio. The three trustees, so elected, shall retain their office until their successors are elected and qualified. After the first election of said trustees, the said three trustees shall be thereafter elected annually, in the same manner as above indicated, at an election to be held each year on the second Monday of January.

Election to be by ballot; time and place.

Who eligible to vote; inspection and counting of ballots.

Certification of result.

Oath.

Terms.

Annual elections.

Organization of board; duties of officers.

SECTION 3. That as soon as practicable after the election of said three trustees, the board of trustees of the policemen's fund, in each of said cities, shall organize, by the election of a president, a secretary and a treasurer. The president and secretary shall be members of said board of trustees. The president shall preside at all meetings of said board of trustees. The secretary shall keep a complete and correct record of all the proceedings of the board of trustees and shall in January of each year make to the city council a written detailed statement of the transactions of the board of trustees, touching the pension fund and showing the receipts and disbursements during the preceding year.

SECTION 4. The treasurer of the pension fund created by this act shall be chosen by the board of trustees and shall be a citizen of such city, but need not necessarily be a member of the police department. Such treasurer shall have the custody of the pension fund, and before entering upon the performance of his duties shall give a bond, payable to the state of Ohio, in such sum as may be prescribed by the board of trustees, with two or more sureties to be approved by the board of trustees, and conditioned for the faithful discharge of his duties and the accounting for all moneys received by him in his official capacity.

Election of treasurer; qualifications; duties; bond.

SECTION 5. That the treasurers of counties, containing a city to which this act is applicable, shall, semi-annually, at the time of their semi-annual settlements with the auditors of their respective counties, pay over to the treasurers of the policemen's pension fund, one-half the amount

Tax on foreign insurance companies applied to pension fund.

to which such city is entitled, under its annual levy, to receive, of all the taxes paid into the treasuries of their respective counties by foreign insurance companies, on their gross receipts under the provisions of section 2745 of the Revised Statutes during the half year preceding such semi-annual settlement.

Fines, gifts,
etc., to be paid
into pension
fund.

SECTION 6. That all fines assessed against members of the police department, in such cities, respectively by way of discipline or punishment, together with all gifts, donations and bequests which may be made for the benefit of such pension fund; and also twenty-five (25) per cent. of all rewards in money which may be paid to members of such police department on account of special or extraordinary services, hereafter performed by them, shall constitute a part of such policemen's pension fund, and as received shall be paid over to the treasurer of such fund.

Dues of mem-
bers.

SECTION 7. That in each city, to which this act is applicable, the members of the police department, shall pay, as monthly dues, to the policemen's pension fund, one (1) per cent. of all moneys received from said city as compensation for their personal services, provided that when the surplus funds of any association shall amount to the sum of twenty thousand (\$20,000) dollars no more dues shall be paid so long as the said surplus remains at that amount or over, but when the surplus funds become reduced below the sum of twenty thousand (\$20,000) dollars upon notice from the board of directors the said dues shall again become due and payable.

Retirement of
disabled mem-
ber; monthly
pension.

SECTION 8. That if any member of the police department of any city shall, during his period of active service, be found, upon an examination of the medical officers or board, appointed for that purpose, by the board or committee having control and management of such police department, to be physically or mentally disabled so as to be unable longer to perform his duties as a member of the police department, and such disability shall have been caused or induced by the performance of the duties of his position as such member, such board or committee shall have power to retire such disabled member from all services in such police department, and upon such retirement the board of trustees of the policemen's pension fund shall order the payment to such disabled member of a monthly pension, equal in amount to one-half the monthly salary of such disabled member at the time of such retirement; provided, that if at a later time it shall be found, upon a further examination by such medical officers or board, that such retired member has recovered from his said disability, in whole or in part, such board or committee may return such disabled member to active duty or assign him to such light duties in the police department as he may be able to perform. That in case such disabled member is returned to such active duty, at full pay, his said pension

Return of mem-
ber to active
duty.

Manner of pay-
ment of pen-
sion.

shall cease, but in case he is assigned to duty at a lower rate of pay than that received by him prior to such retirement, then the monthly pension assigned him shall be fixed at such a rate that when added to his monthly pay the total shall not exceed the full amount of pay received by him prior to such retirement.

SECTION 9. That any member of the police department who has reached the age of sixty (60) years or over may, after twenty-five (25) years of faithful service in such police department, upon written application to said board or committee, be relieved from all further services in the police department, and the board of trustees, upon such member being so retired, shall order the payment to such retired member of a monthly pension equal in amount to one-half of the monthly salary which was received by such retired member immediately prior to the date of his retirement. That any member of the police department who, from any cause mentioned in this act, is retired from active duty and pensioned, shall be subject to the rules and regulations of the police department, as to his conduct and behavior, and the said board or committee shall have the power to suspend the payment of pensions, either in whole or in part, as a punishment for the violation of the said rules and regulations, or shall have the power to pay the same in whole or in part, to the family of such pensioner, in case such pensioner does not properly support his said family.

Permanent retirement of member; monthly pension.

Retired member subject to rules and regulations of police department; suspension of pension.

SECTION 10. That if any member of the police department shall, while in discharge of his duties, be killed, or shall die from the effects of an injury, so received, or shall die of any disease contracted from exposure while in the performance of his duties, or if an honorably retired member of the police department shall die from any such cause, and such deceased member shall leave a widow, such widow shall, while she remains unmarried, be entitled to receive a monthly pension equal in amount to one-half the monthly pay of such deceased member immediately prior to his death or retirement. That if such member, so killed or dying, does not leave a widow, but leaves a minor child or children, under the age of sixteen (16) years, then such minor child or children shall each, until they arrive at the age of [sixteen] (16) years, be entitled to receive a monthly pension of six (6) dollars. That if such member, so killed or dying does not leave a widow or minor child under the age of sixteen (16) years, but leaves a mother, dependent upon him for support, then such dependent mother shall, until she remarries, be entitled to receive a monthly pension of twenty (20) dollars. That if such member, so killed or dying, does not leave a widow or minor child under the age of sixteen (16) years, or a mother dependent upon him for support, but leaves a father, dependent upon him for support, then such dependent father shall be entitled to

Pension of widow.

Minor children.

Dependent mother.

Dependent father.

Final decision
of question of
dependency.

receive a monthly pension of twenty (20) dollars. That the board of trustees of the policemen's pension fund shall hear [have] the final decision in all questions of dependency arising under this section.

Prorating of
payments.

SECTION 11. That if at any time there is not sufficient money or bonds to the credit of the pension fund to pay to each person entitled to receive pensions, as hereinbefore stated, the full amount of their several pensions, then, and in that event, the board of trustees shall order the payment of an equal percentage of such pensions, to each pensioner, until said pension fund is so replenished as to warrant the payment of the full amount of said pensions.

Exemption from
attachment, execution, etc.

SECTION 12. That no portion of the policemen's pension fund shall, either before or after its order of disbursement by the board of trustees to pensioners, under this act, be liable to, be seized, taken, held, detained or levied upon by virtue of any attachment, execution, or by any other legal process or proceedings, for the payment or satisfaction, in whole or in part, of any debt, claim or demand, or of any fine or emercement imposed upon such pensioner.

Power to invest
fund in bonds.

SECTION 13. That the board of trustees of the policemen's pension fund, in each of said cities, shall have power to invest from time to time such portion thereof as it may seem to the said board desirable to invest, which investment of said funds shall be made in interest bearing bonds of the United States, or of the state of Ohio, or in bonds issued by any county, city, village or township of the state of Ohio, in pursuance to law, or in mortgage on unincumbered real estate, located in the state of Ohio, and worth, in the judgment of the board of trustees, at least twice the amount to be loaned thereon. All such investments shall be made in the corporate name of the board of trustees, and all moneys drawn from the treasury of such board, whether for the purpose of investment, or for paying pensions or expenses, shall be drawn by written order upon the treasurer, to be signed by the president and countersigned by the secretary.

Vacancies in
board or officers
of board.

SECTION 14. That in case any vacancy shall occur in the members of the board of trustees, or in the officers of said board, the remaining members of the board shall have power to fill such vacancy until a successor is duly elected at the next ensuing annual election.

Beneficiaries
under act.

SECTION 15. That any disabled or retired member of the police department in any city, to which this act is applicable, or the widow, minor child or children, under the age of sixteen (16) years, or the dependent mother or father of a deceased member who, at the time when this act takes effect, shall, under the provisions of acts then in force, be drawing pensions, for causes set forth in this act, shall each be and are hereby made beneficiaries under the provisions of this act.

SECTION 16. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed March 30, 1898.

62G

[Senate Bill No. 147.]

AN ACT

To amend sections 5866 and 5933 of the Revised Statutes of the state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 5866 of the Revised Statutes of Ohio, as amended April 14, 1886, and that section 5933 of the Revised Statutes of Ohio, as amended March 21, 1888, be, and said sections are hereby amended so as to read as follows :

Contest of will:

Sec. 5866. An action to contest a will or codicil [shall] be brought within two years after the same has been admitted to probate, but persons within the age of minority, of unsound mind, or imprisoned, may bring such action within two years after such disability is removed.

Time within which contest shall be brought.

Sec. 5933. If no person interested [shall], within two years after probate had, appear and contest the validity of the will, the probate shall be forever binding, saving, however, to infants, and persons of unsound mind, or in captivity, the like period, after the respective disabilities are removed.

Contest must be made in two years; exception.

SECTION 2. That said sections 5866 and 5933 of the Revised Statutes be and the same are hereby repealed, and this act shall take effect and be in force from and after its passage, and shall apply to wills or codicils heretofore or hereafter admitted to probate.

Repeals, etc.

Application of act.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed March 30, 1898.

63G

[Senate Bill No. 322.]

AN ACT

Making appropriation for expenses of legislative committees and contingent expenses of the senate and house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sums for the purposes hereinafter specified are appropriated out of any moneys in

Appropriations for general assembly.

the treasury to the credit of the general revenue fund not otherwise appropriated, to wit: For the expenses of legislative committee, \$1,000.00; for the contingent expenses of the senate, \$2,500.00; for the contingent expenses of the house, \$2,500.00.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed April 1, 1898.

64G

[Senate Bill No. 45.]

AN ACT

To amend sections 13 and 24 of the act passed March 13, 1896, entitled "An act to authorize the improvement of public roads of townships and streets of villages therein." (92 O. L., 65 and 68.)

Township
roads.

Specifications
as to improve-
ment.

Application of
cost where im-
provements
made on assess-
ment plan.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 13 and 24 of the act passed March 13, 1896, entitled "An act to authorize the improvement of public roads of townships and streets of villages therein," be so amended as to read as follows:

Sec. 13. No road or street shall be improved under the provisions of this act which is less than forty feet in width, and shall be graded at least twenty feet in width; shall be turnpiked with earth so as to drain freely to the sides and may be macadamized, raised with stone or gravel not less than ten or more than sixteen feet in width, and not less than sixteen inches thick in the center, nor less than twelve inches thick at the outer edge of said bed of stone and gravel well compacted together in such manner as to secure a firm, even and substantial road. In no case shall the grade, or ascent, or descent of the road be greater than seven degrees. The roads and streets shall be well provided with the necessary side drainings, waste-ways and under-drains to prevent overflowing or washing of water; and the commissioners of the county in which such township is located shall, upon the application of the township trustees, cause the necessary bridges and culverts on said road or street to be constructed or reconstructed in a substantial manner so as to conform to the grade of the improved road.

Sec. 24. That in all cases where streets or roads have been heretofore improved or shall be hereafter improved by being graded or macadamized or paved on the assessment plan, and paid for, or in process of being paid for, by abutting property owners, that the entire cost of the improvement herein provided for such width as may be

designated by the commissioners, and at such time as such commissioners may designate such streets or roads for improvement shall be paid to the treasurer of the village or township, as the case may be, and the money so paid shall be by him applied to the payment of outstanding bonds issued for said improvement.

SECTION 2. That sections 13 and 24 of an act passed March 13, 1896, entitled "An act to authorize the improvement of public roads of townships and streets of villages therein," be and the same are hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed April 5, 1898.

65G

[House Bill No. 282.]

AN ACT

To amend section 799 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 799 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 799. It is competent for the commissioners if they fail to make the contract or contracts as herein provided for, on the day named in the notice, to continue from day to day until such contract or contracts be made; but such contract or contracts, so far as they relate to public buildings or bridge substructures, shall be awarded to and made with the person or persons who offer to perform the labor and furnish the material at the lowest price, and give good and sufficient bond for the faithful performance of their contracts in accordance with the plan or plans, descriptions and specifications herein required, which plan or plans, descriptions or specifications are made a part of such contract or contracts. All contracts herein provided for that exceed one thousand dollars in amount shall be submitted by the commissioners to the prosecuting attorney of the county, except in counties having a county solicitor, who shall take the place of the prosecuting attorney in such counties, before any work is done or material furnished, and if found by him to be in accordance with the provisions of this chapter, and his certificate to that effect is indorsed thereon, the contract or contracts shall have full force and effect, otherwise they shall be null and void; but if such contractor or contractors fail or refuse to proceed with the work specified in his or their contract or contracts, in accordance with the plans, descriptions and

Public buildings:

Adjournment of letting of contracts from day to day.

To whom certain contracts shall be awarded.

Contracts to be submitted to prosecuting attorney.

Power of commissioners to annul old and make new contracts.

specifications attached to and made part of such contract or contracts, the commissioners shall have power to declare such contract or contracts annulled, and shall proceed to make another contract or contracts for the completion of such work, in accordance with the provisions of this chapter.

Repeals, etc.

SECTION 2. Said original section 799, as amended April 13, 1888 (O. L., 85, pages 218-221), be and the same is hereby repealed, and this act shall take effect on and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 5, 1898.

66G

[House Bill No. 328.]

AN ACT

To amend section 3763 as amended February 19, 1881 (78 O. L., page 33), of the Revised Statutes of Ohio.

Dead body:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3763, as amended February 19, 1881 (78 O. L., page 33), of the Revised Statutes of Ohio be amended so as to read as follows:

Restrictions
under which
medical colleges
and teachers
may receive
bodies for
dissection.

Sec. 3763. All superintendents of city hospitals, directors or superintendents of city or county infirmaries, directors or superintendents of work-houses, directors or superintendents of asylums for the insane, or other charitable institutions founded and supported in whole or in part at public expense, the directors or warden of the penitentiary, township trustees, sheriffs, or coroners, in possession of bodies not claimed or identified, or which must be buried at the expense of the county or township, shall, before burial, hold such bodies not less than thirty-six hours and shall notify the professor of anatomy in any college which by its charter is empowered to teach anatomy, or the president of any county medical society of the fact that such bodies are being so held and shall, before or after burial, by such said superintendent, director, or other officer, on the written application of the professor of anatomy, the president of any county medical society, deliver to such said professor, or president, for the purpose of medical or surgical study or dissection, the body of any person who has died in either of said institutions from any disease, not infectious, if such body has not been requested for interment by any person at his own expense; if the body of any deceased person so delivered, be subsequently claimed, in writing, by any relative or other person for private interment, at his own expense, it shall be given up to such

Body to be delivered to claimant.

claimant; after such bodies shall have been subjected to such medical or surgical examination or dissection, the remains thereof shall be interred in some suitable place at the expense of the party or parties in whose keeping said corpse has been placed. In all cases it shall be the duty of the officer having such body under his control to notify or cause to be notified, in writing, the relatives or friends of such deceased person; and any superintendent, coroner, or infirmary director, sheriff, or township trustee, failing or refusing to deliver such bodies when applied for, as herein provided, or who shall charge, receive, or accept money, or other valuable consideration for the same, shall be fined in any sum not exceeding one hundred dollars, and not less than twenty-five dollars, or be imprisoned in the county jail not exceeding six months; provided, however, that in no case shall the body of any such deceased person be delivered until twenty-four hours after death. The bodies of strangers or travelers, who die in any of the institutions herein named, shall not be delivered for the purpose of dissection, except said stranger or traveler belong to that class commonly known as tramps; and all bodies delivered as herein provided shall be used for medical, surgical and anatomical study only, and within this state, and the possession of the body of any deceased person for the above purposes, and not authorized under this section, shall be unlawful, and the detention of the body of any deceased person, claimed by relatives or friends for interment at their expense, shall also be unlawful, and the person so detaining said body unlawfully, shall be fined in any sum not exceeding one hundred dollars, nor less than twenty-five dollars, or be imprisoned in the county jail not exceeding six months.

Interment of body after examination or dissection.

Notification to relatives of deceased person.

Penalty for refusal to deliver body, or acceptance of consideration for same.

Body of stranger or traveler.

Unlawful to have unauthorized body in possession; penalty.

SECTION 2. This act shall take effect and be in force from and after its passage, as amended February 19, 1881 (78 O. L., page 30), is hereby repealed.

Repeals.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 5, 1898.

67G

[Senate Bill No. 133.]

AN ACT

To amend section 3921 of the Revised Statutes of the state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3921 of the Revised Statutes be amended to read as follows:

Township and special districts:

Sec. 3921. A map of each township district shall be prepared by the board, as often as it may be necessary, in

Map of township district.

Suspension of school in sub-district; conveyance of pupils to other district; how cost defrayed.

Change of sub-districts.

Repeals, etc.

which shall be designated the numbers and boundaries of the subdistricts thereof; the board may at any regular session, increase or diminish the number, or change the boundaries of subdistricts, or may, when in its opinion, it will be for the best interests of the pupils in any subdistrict, suspend the school in such subdistrict, and shall provide for the conveyance of said pupils to such other district or districts as may be most convenient for them, the cost of such conveyance to be paid out of the contingent fund of said district; and any such subdistrict which may be established by act of the general assembly shall be governed by the provisions of this title, except that it cannot be changed or consolidated by the board within three years after its formation, unless the written consent of two-thirds of the electors residing in the territory affected by such change is obtained.

SECTION 2. That section 3921 of the Revised Statutes of Ohio be and the same is hereby repealed; and this act shall take effect upon its passage.

HARRY C. MASON,

Speaker of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed April 5, 1898.

68G

[Senate Bill No. 110.]

AN ACT

To provide for the disposition of unclaimed legacies under the last will and testament of Richard Randolph, deceased.

Preamble:

WHEREAS, Richard Randolph, formerly of the state of Alabama, and late of Greene county, Ohio, died testate, in said county, on or about the 30th day of January, A. D. 1859, and afterward, to wit: On the 5th day of February, A. D. 1859, his last will and testament was duly admitted to probate in said county; and, whereas, on or about the 15th day of November, 1894, there was paid into the treasury of Greene county, Ohio, the sum of \$1,315.20, and on the 3rd day of January, 1895, there was paid into said treasury the further sum of \$3,531.07, and on the 4th day of January, 1895, there was paid into said treasury the further sum of \$1,800.00, in all the sum of six thousand six hundred and forty-six dollars and twenty-seven cents (\$6,646.27), said sums having been held in trust for certain legatees under said will, who were former slaves of the said Richard Randolph, deceased; and, whereas, diligent search has failed to locate any of the persons entitled to said money or any part thereof, and, whereas, the said Richard Randolph, deceased, was deeply and generously interested in the liberty, education and general welfare of

the unfortunate class represented by said legatees; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the treasurer of Greene county, Ohio, is hereby authorized and required to pay to the trustees of Wilberforce university, located in said Greene county, Ohio, the said sum of six thousand six hundred and forty-six dollars and twenty-seven cents (\$6,646.27), and their receipt therefor shall be a legal discharge of said treasurer from further liability for said sum, and said trustees are hereby authorized to receive and receipt for said sum, and when so received by them they are directed and required to place the same to the credit of the endowment fund of said university. Should the said legatees or any one of them, or their heir or heirs, appear in the probate court of Greene county, Ohio, within ten years from the passage of this act, and by competent evidence, establish their right to all, or any part of said sum of \$6,646.27, to the satisfaction of said court, and the said court determines the amount he, she or they is or are entitled to receive, and certifies the same to the said trustees of Wilberforce university, they shall pay over to the person or persons so entitled, the amount so certified, but in no case shall they be required to pay over in the aggregate, a greater sum than the sum received by them under this act. And said trustees of said university shall give bond to the state of Ohio to the satisfaction of the probate court of Greene county in double the amount herein transferred to said university. Said bond being conditioned for the payment of said sum of \$6,646.27 or any part thereof as herein provided.

Treasurer of
Greene county
required to
make certain
payment to trustees
of Wilberforce university.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHIEL W. JONES,
President of the Senate.

Passed April 5, 1898.

69G

[House Bill No. 12.]

AN ACT

To amend section 2 of an act entitled "An act to give better protection to such persons as use and pass up and down stairs and stairways in or on tenement houses, apartments, manufactories, mills, shops, stores, churches, hotels, public halls, lecture rooms, restaurants, public library rooms, business offices of professional men and others doing business for or with the public, all public buildings and other rooms of public resort, whether for the transaction of business or public enjoyment."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2 of the above recited act,

Shops and
factories:

passed April 18, 1892 (O. L., vol. 89, page 374), be amended so as to read as follows:

Penalty for failure to provide hand-rails; liability for damages.

Chief inspector to enforce provisions.

Sec. 2. Any person or persons owning or having charge of such stairs or stairways, as directors, trustees, lessees, managers or proprietors of any of said buildings wherein said stairs are erected and used for the purposes aforesaid, and neglecting or refusing to provide said hand-railings, and put up and keep up the same in manner aforesaid, shall be deemed guilty of a misdemeanor, and on conviction thereof before any court of competent jurisdiction shall be fined in any sum not less than ten nor more than one hundred dollars, and shall be liable to any person injured for the want of such railing or railings for all injury to such person or damages resulting therefrom; and it shall be the duty of the chief inspector of workshops and factories, or district inspectors, to enforce the provisions of this act.

SECTION 2. That said original section 2, passed April 18, 1892 (O. L., vol. 89, page 374), be and the same is hereby repealed, and this act shall take effect on and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 7, 1898.

70G

[House Bill No. 75.]

AN ACT

To provide for the erection and maintenance of a telegraph or a telephone wire along the line of steam railroads.

Railroad companies to erect and maintain telegraph or telephone wires.

Unlawful for company to ask or receive compensation unless wires are maintained.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That every steam railway company operating ten miles or more of its railroad for the carrying or transportation of passengers and freight over its road within this state, shall erect and maintain or cause to be erected and maintained in complete working order, for use and operation along the line of its road used for the carrying and transportation of passengers or freight, a telegraph or telephone wire, with an office and proper means for communication by said wire at each of its principal railway stations. And it shall be unlawful for any steam railway company operating ten miles or more of its railroad aforesaid having no telegraph or telephone wire along the line of its railroad, as provided herein, to ask, demand or receive any compensation whatever for the carrying or transportation of passengers or freight over its said railroad.

SECTION 2. The charter of any steam railway or steam railroad company mentioned and provided for in the first section of this act, failing or neglecting to comply with the conditions of this act, shall be declared forfeited and shall be annulled upon or by a civil action brought for that purpose in the name of the state of Ohio, by the prosecuting attorney of any county in this state, in or through which any steam railroad is operated; and any officer, agent or other person acting for or in behalf of any such steam railway company, who shall order, direct, advise, ask, demand or receive any compensation whatever for the carrying or transportation of passengers or freight over its railroad by any steam railway company mentioned, designated, described or provided for in this act, shall be fined in any sum not less than one hundred dollars, nor more than five hundred dollars, or imprisoned in the county jail or workhouse not less than thirty days, nor more than ninety days, or both.

Forfeiture of charter for failing to provide for maintenance of wires.

Penalty for demanding or accepting compensation.

SECTION 3. This act shall go into effect and be in force on and after the first day of July, 1898.

When act takes effect.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 7, 1898.

71G

[House Bill No. 313.]

AN ACT

[To amend] sections 1 and 3 of an act entitled "An act to prevent fraud in the manufacture and sale of imitation cheese," passed March 3, 1896 (92 O. L., page 51.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* [That] sections 1 and 3 of an act entitled "An act to prevent fraud in the manufacture and sale of imitation cheese," passed March 3, 1896 (92 O. L., page 51), be so amended to read as follows:

Adulteration:

Sec. 1. Whoever, by himself or his agents, sells, exposes for sale, or has in his possession with intent to sell, any article, substance, or compound made in imitation or semblance of cheese, or as a substitute for cheese, and not made exclusively and wholly of milk or cream with salt, rennet, and with or without harmless coloring matter, or containing any fats, oils or grease not produced from milk or cream, shall have the words "filled cheese," and all cheese made exclusively and wholly from milk or cream with salt, rennet, and with or without harmless coloring matter, and containing less than twenty per cent. of pure butter fat, shall have the words "skimmed cheese" stamped, labeled or marked, in printed letters of plain, uncondensed

Branding of "filled cheese" and "skimmed cheese."

gothic type, not less than one inch in length, so that the words cannot easily be defaced, and upon the side of every cheese, cheese-cloth or band around the same, and upon the top and side of every tub, firkin, box or package containing any of said articles, substance or compound. And in case of retail sales of any of said articles, substance or compound, not in the original package, the seller shall, by himself or his agents, attach to each package so sold, and shall deliver therewith to the purchaser, a label or wrapper bearing in a conspicuous place upon the outside of the package the words "filled cheese," or "skimmed cheese," as the case may be, in printed letters of plain, uncondensed gothic type, not less than one inch in length.

Penalty for selling or offering imitation when cheese is called for.

Sec. 3. Whoever, by himself, or his agents, sells or offers for sale, to any person who asks, sends or inquires for cheese, any article, substance, or compound made in imitation or semblance of cheese, or as a substitute for cheese, not made entirely from milk or cream, with salt, rennet, and with or without harmless coloring matter, and containing not less than twenty per cent. pure butter fats, shall be punished by a fine of not less than fifty nor more than one hundred dollars, or by imprisonment in the county jail not less than ten nor more than thirty days for the first offense, and by a fine of not less than one hundred nor more than two hundred dollars, or by imprisonment in the county jail not less than twenty nor more than sixty days, or both, for each subsequent offense.

Repeals, etc.

SECTION 2. [That] sections 1 and 3 of an act entitled "An act to prevent fraud in the manufacture and sale of imitation cheese," passed March 3, 1896 (92 O. L., page 51), be and the same are hereby repealed; and this act shall take effect and be in force on and after the first day of May, 1898.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAH W. JONES,
President of the Senate.

Passed April 7, 1898.

72G

[House Bill No. 630.]

AN ACT

To amend section 2467 of the Revised Statutes of Ohio.

Fire department:

Fire wardens,
medical officer,
veterinary surgeon in cities of
first class, second
and grade

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2467 of the Revised Statutes of Ohio be so amended as to read as follows:

Sec. 2467. In all cities of the second grade of the first class there shall be appointed not less than two nor more than four special fire wardens with annual salaries the same as that paid engineers of the fire force, said wardens to be

chosen from any members of the fire department regardless of time, standing or position in said department; one medical officer with an annual salary the same as that paid engineers of the fire force; one veterinary surgeon with an annual salary the same as that paid engineers of the fire force, each to be under the control and subject to the rules and regulations of the department of fire; provided, that the persons serving in such capacities in the department at the passage of this act shall not be removed, and no further appointments shall be made hereunder, except in the same manner and under the rules and regulations providing for the appointment, removal and discharge of other members of the fire force, as provided in sections 24 and 50 of an act of the general assembly of the state of Ohio, passed March 16, 1891, entitled "An act to provide for a more efficient government for cities of the second grade of the first class," as amended April 2, 1891.

(Cleveland); appointment and salaries.

Present incumbents; future appointments.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 7, 1898.

73G

[House Bill No. 337.]

AN ACT

To amend sections 6113, 6114, 6115, 6120, 6121, 6122 and 6128 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 6113, 6114, 6115, 6120, 6121, 6122 and 6128 of the Revised Statutes of Ohio be amended so as to read as follows:

Executors and administrators:

Sec. 6113. No executor or administrator, after having given notice of his appointment, as provided in this chapter, shall be held to answer to the suit of any creditor of the deceased, unless it be commenced within two years from the time of his giving bond as aforesaid, excepting in the cases hereinafter mentioned; provided, however, that any creditor whose cause of action shall accrue or shall have accrued after the expiration of two years from the time that the executor or administrator of such estate shall give or shall have given bond according to law, and before such estate is fully administered, may commence and prosecute such action at any time within one year after the accruing of such cause of action, and before such estate shall have been fully administered; and no cause of action against any executor or administrator shall be

Limitation of actions by creditors.

Claims accruing after two years.

adjudged barred, by lapse of time, until the expiration of one year from the time of the accruing thereof.

Assets received
after two years.

Liable to credit-
ors for such
assets.

Limitation of
actions.

Sec. 6114. When assets shall come to the hands of an executor or administrator, after the expiration of the said two years, he shall account for, and apply the same in like manner as if they had been received within two years; and he shall be liable to an action, and to be proceeded against on account of such assets, by or for the benefit of any creditor, in like manner as if the assets had been received within the said two years; provided, that such action or proceeding be commenced within one year after the creditor shall have notice of the receipt of such new assets, and not more than two years after the same shall be actually received.

Claim not due in
two years may
be presented to
court; allow-
ance and satis-
faction of claim.

Sec. 6115. Any creditor whose right or action shall not accrue within the said two years after the date of the administration bond, may present his claim to the court from which the letters issued, at any time before the estate is fully administered; and if, on examination thereof, it shall appear to the court that the same is justly due from the estate, it may by the consent of the creditor and executor or administrator, order the same to be discharged, in like manner as if due, after discounting interest; or the court may order the executor or administrator to retain in his hands sufficient to satisfy the same; or if any of the heirs of the deceased, or devisees, or others interested in the estate, shall offer to give bond for the alleged creditor, with sufficient surety or sureties for the payment of the demand, in case the same shall be proved to be due from the estate, the court may, if it thinks fit, order such bond to be taken, instead of ordering the claim to be discharged as aforesaid, or requiring the executor or administrator to retain assets as aforesaid.

Limitation of
actions against
administrators
de bonis non.

Sec. 6120. When any executor or administrator shall die, resign, or be removed, or his letters shall have been revoked, or his powers shall have ceased, without having fully administered the goods and estate of the deceased, and a new administrator of the same estate shall be appointed, the time allowed to the creditors of the deceased for bringing their actions shall be enlarged as follows, to wit: To so much of the two years provided for the limitation of the said action as shall have expired while the former executor or administrator continued in office, shall be added so much time after the appointment of the new administrator, as will make three years in the whole; and the new administrator shall not be held to answer to the suit of any creditor, commenced after the expiration of the said three years, excepting as is provided in the following sections.

Not required to
answer to suit
brought after
three years.

Two years limit
of actions.

Sec. 6121. Every such new administrator shall, in all cases, be liable to the actions of the creditors for the space of two years after he shall have given bond for the dis-

charge of his trust, although the whole time allowed to the creditors should be thereby extended beyond the said three years.

Sec. 6122. If the former executor or administrator shall not have given notice of his appointment in the manner before prescribed in this chapter, the new administrator shall be liable to the actions of the creditors for the space of two years from the date of the bond given by such new administrator.

When liable for actions for two years.

Sec. 6128. When any executor or administrator shall, within two years after having given bond for the discharge of his trust, be required, by any legatee or next of kin, to make payment in whole or in part, of his legacy or distributive share, the court may, if it thinks fit, require that the legatee or the next of kin, first give bond to the executor or administrator, with surety or sureties to be approved by the court, with condition to refund the amount so to be paid, or as much thereof as may be necessary to satisfy any demands that may be afterward recovered against the estate of the deceased, and to indemnify the executor or administrator against all loss and damage on account of such payment.

Legatee demanding payment may be required to give bond.

SECTION 2. That said original sections 6113, 6114, 6115, 6120, 6121, 6122 and 6128 of the Revised Statutes of Ohio be and the same are hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed April 8, 1898.

74G

[Senate Bill No. 34.]

AN ACT

To amend section seven of an act entitled "An act amendatory of and supplementary to an act entitled 'An act to provide for the mode of conducting elections, to insure the secrecy of the ballot, and prevent fraud and intimidation at the polls, and to repeal certain statutes therein named,' passed April 30, 1891," and amended and supplemented April 18, 1892.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section seven of an act entitled "An act amendatory of and supplementary to an act entitled 'An act to provide for the mode of conducting elections, to insure the secrecy of the ballot and to prevent fraud and intimidation at the polls, and to repeal certain statutes therein named,' passed April 30, 1891," and amended and supplemented April 18, 1892, (O. L., vol. 89, page 434),

Conduct of elections:

be and the same is hereby amended so as to read as follows:

NOMINATIONS BY PETITIONS.

Nomination of candidates by nomination papers.

Cuyahoga and Hamilton counties.

Signers to name committee to fill vacancies.

Signer pledged to vote for nominee or nominees.

Residence of signers to be stated; can subscribe to but one nomination. Oath by one of the signers.

Repeals.

Sec. 7. Nominations of candidates for any county, city, township or municipal office, or members of the board of education may be made by nomination papers, signed in the aggregate for each candidate by not less than three hundred qualified electors of the county, or fifty qualified electors of the city, or twenty-five qualified electors of the township, village or school district, respectively; except in counties containing cities of the first and second grade of the first class, such nomination papers shall be signed by petitioners not less in number than one for every fifty persons who voted at the next preceding general election in such county. Nominations of candidates for other offices may be made by nomination papers, signed for each candidate by qualified electors of the state or the district or division for which such candidates are nominated, not less in number than one for every one hundred persons who voted at the next preceding general election in the state or such district or division. Signers of such nomination papers shall insert in them the names and addresses of such persons as they desire, to the number of five, as a committee, who may fill vacancies caused by death or withdrawal. Such nomination papers shall contain a provision to the effect that each signer thereto thereby pledges himself to support and vote for the candidate or candidates whose nominations are therein requested. Each elector signing a nomination paper shall add to his signature his place of residence, and may subscribe to one nomination for each office to be filled, and no more. One of the signers to each such separate paper shall swear that the statements therein are true, to the best of his knowledge and belief, and the certificate of such oath shall be annexed.

SECTION 2. Said original section seven of an act entitled "An act amendatory of and supplemental to an act entitled 'an act to provide for the mode of conducting elections, to insure the secrecy of the ballot and prevent fraud and intimidation at the polls, and to repeal certain statutes therein named,' passed April 30, 1891," and amended and supplemented April 18, 1892, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed April 8, 1898.

75G

[House Bill No. 185.]

AN ACT

To amend section 7002 of the Revised Statutes of Ohio (selling fertilizer without printed analysis).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 7002 of the Revised Statutes of the state of Ohio be so amended as to read as follows:

Offenses against public policy:

Sec. 7002. Whoever sells, exposes for sale, or offers for sale any commercial fertilizer without having complied with the provisions of sections 4446a, 4446b, and 4446c, of the Revised Statutes, shall be fined in any sum not exceeding two hundred dollars, or imprisoned not more than thirty days, or both, and said fine or imprisonment, or both, shall not be a bar to the recovery of the civil penalty provided for by sections 4446f and 4446g of the Revised Statutes.

Unlawful sale of commercial fertilizer; penalty.

SECTION 2. Said section 7002 of the Revised Statutes is hereby repealed, and this act is to take effect and be in force from and after its passage.

Repeals, etc.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed April 8, 1898.

76G

[House Bill No. 9.]

AN ACT

To provide for the refunding of taxes paid under the provisions of an act entitled "An act to impose a direct inheritance tax," passed April 20, 1894.

WHEREAS, On the 20th day of April, 1894, the general assembly of the state of Ohio, passed an act entitled "An act to impose a direct inheritance tax," and

Preamble

WHEREAS, Divers executors, administrators, trustees and other persons charged with the payment of said direct inheritance tax, paid into the county treasuries of the several counties of the state of Ohio, the tax required to be paid by said act; and

WHEREAS, The supreme court of the state of Ohio, on the 27th day of June, 1895, by its decision, declared the said last named act unconstitutional; and

WHEREAS, On the 27th day of April, 1896, the general assembly of the state of Ohio, passed an act entitled "An act to provide for the refunding of taxes paid under the provisions of an act entitled 'an act to impose a direct inheritance tax,' passed April 20, 1894," and under the pro-

visions of the same, twenty-five per cent. of said direct inheritance was refunded out of the county treasury of one or more of the several counties of the state of Ohio; and

WHEREAS, On the 8th day of June, 1897, the supreme court of the state of Ohio, by its decision, declared the said act providing for the refunding of said tax null and void, inasmuch as said last named act failed to receive the concurrent votes of two-thirds of the members elected to each branch of the general assembly of the state of Ohio, whereby expensive, tedious and vexatious litigation may result; therefore

Direct inheritance tax:
Warrants in favor of persons who have paid tax.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the auditor of state be and he is hereby required to draw his warrant on the state treasurer, in favor of any executor, administrator, or other persons designated by said act imposing the said direct inheritance tax, who paid into the county treasury of any county of this state, said tax, for seventy-five per cent. of the amount paid by any such persons designated as aforesaid. The same to be paid out of the general revenue fund; provided, however, that the said auditor of state shall not be required to draw his warrant to refund said tax until he is satisfied by the certificate of the county auditor of the county where said tax was paid, that the person or persons applying to have said tax refunded, have paid the same and in what capacity the same was paid. There is hereby appropriated out of any money in the state treasury not otherwise appropriated sufficient money to carry out the provisions of section one of this act.

County auditor to issue warrant in favor of persons who have paid tax.

SECTION 2. That the county auditors of the several counties in the state of Ohio, in which said tax has been paid by any such persons designated as aforesaid, shall on the application of any such person or persons so designated who have paid said tax, and being satisfied that the same was paid, shall issue his warrant on the county treasurer in favor of such applicants for twenty-five per cent. of the tax so paid, unless such refunder has been made. The same to be paid out of the county expense fund.

Previous refunders made valid.

SECTION 3. In each and every case where a refunder of said tax has been made heretofore, the money so refunded shall be considered and treated in all respects as if refunded under the provisions of this act and shall have such effect and force in law.

SECTION 4. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed April 8, 1898.

77G

[Senate Bill No. 470.]

AN ACT

To appropriate one million dollars to defray the expenses of the national guard, naval militia and volunteers of this state in defense of the state, to repel invasion, suppress insurrections and defend the state in war.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated from any money that may be in the treasury, or that may come into the treasury, under the provisions of this act, to the credit of the general revenue fund, not otherwise appropriated, the following sums for the purposes herein named:

Appropriations
for defense of
the state.

For the purchase of equipments for the national guard, naval militia and volunteers of the state to repel invasion, suppress insurrections and defend the state in war, to be expended under the authority and direction of the governor, and audited and paid upon accounts certified and allowed by him, four hundred and fifty thousand dollars.

For carrying into effect any requisition of the president of the United States, to be expended under the direction and authority of the governor, five hundred thousand dollars.

For an extraordinary contingent fund the further sum of fifty thousand dollars, to carry out the provisions of this act, is hereby placed under the control of the governor.

SECTION 2. That for the purpose of paying the appropriations in this act contained, the commissioners of the sinking fund be and they are hereby authorized and empowered to borrow, on the faith and credit of the state, such sum and sums of money, not exceeding in the aggregate one million dollars, as may be ascertained by the governor, and from time to time certified to them to be necessary to meet the aforesaid expenditures.

Commissioners
of sinking fund
authorized to
borrow money
to meet appro-
priations.

SECTION 3. Whenever it shall become necessary to borrow any sum of money under the authority of this act, the commissioners of the sinking fund shall take such measures, and give such public notice, by advertisement or otherwise, as in their judgment may be needful to enable them to obtain the same without unnecessary delay; and for the money so borrowed, the commissioners shall issue certificates to the proper parties, payable at the treasury of the state at such time and [or] times as they may deem proper, but not longer than ten years from the first day of May, 1898. The certificates so issued shall bear interest at a rate not exceeding four per centum per annum, payable semi-annually at such place as the sinking fund commissioners may direct, on the first day of July and the first day of January in each year, and the money so borrowed shall immediately be paid into the state treasury and placed to the credit of the general

Public notice
by commission-
ers.

Commissioners
to issue cer-
tificates of in-
debtedness.

Rate of inter-
est; when pay-
able.

Money to be
paid into state
treasury; cer-
tificates and
interest payable

from sinking fund.

Appropriation for commissioners of sinking fund.

Governor authorized to increase national guard.

revenue fund, for the purposes of this act; and the certificates and interest thereon shall be paid, when due, out of the sinking fund. To enable the commissioners of the sinking fund to carry out the provisions of this act, the sum of five thousand dollars is hereby appropriated for that purpose out of any money in the state treasury to the credit of the general revenue fund.

SECTION 4. The governor is hereby authorized in his discretion, at the earliest possible moment, to cause the national guard to be increased not to exceed ten thousand effective men, in such branches of the service as he may deem most expedient.

SECTION 5. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed April 8, 1898.

78G

[House Bill No. 375.]

AN ACT

To supplement section 1496, Revised Statutes of Ohio, by the enactment of supplemental section 1496a.

Officers of civil townships:

Removal of indigent persons to their own counties; costs.

Notice to foreign directors: refusal or failure; trustees may collect costs by civil action.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following section be enacted as supplemental to section 1496, Revised Statutes of Ohio:

Sec. 1496a. When, in any county in this state in which there is no county infirmary, it has been ascertained by the trustees of a township that any person in such township has the legal settlement in some other county of this state, they shall immediately notify the directors of the infirmary of the county in which such person has a legal settlement to remove such person to the infirmary of such county, and the directors of such infirmary shall immediately, should the person's health permit, remove such person to the infirmary of the county where his or her legal settlement is, and pay all expenses theretofore incurred in the township in which such person is found, for his relief; provided, a written notice be given to the infirmary directors of such county within twenty days after such legal settlement has been ascertained, and upon the refusal or failure of such infirmary directors to so remove such person, then the trustees of the township in which said person is found, may furnish such person with the necessary relief and collect the amount thereof from the directors of such infirmary by a civil action, to be begun in the name of the trustees of such township, in the court

of common pleas of the county in which such infirmary is situated.

SECTION 2. This act shall take effect on its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed April 8, 1898.

79G

[Senate Bill No. 422.]

AN ACT

To amend section 2825 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2825 of the Revised Statutes of Ohio be so amended as to read as follows:

Sec. 2825. The county commissioners shall not levy any tax, or appropriate any money, for the purpose of building public county buildings, purchasing sites therefor, or for lands for infirmary purposes, or for building any bridge, except in case of casualty, and except as hereinafter provided, the expenses of which will exceed ten thousand dollars, without first submitting to the voters of the county, the question as to the policy of building any public county building or buildings, or for the purchasing sites therefor, or for the purchase of lands for infirmary purposes by general tax, which said submission shall be made at the annual spring or fall election, next after the proposition for such levy is adopted by the commissioners and placed on their record, or at a special election at a time fixed thereafter by resolution of the county commissioners for that purpose, upon the petition for such special election filed with said board of commissioners of not less than five hundred of the electors of any such county; each proposition shall be separately submitted, and printed tickets shall be provided by the commissioners on which shall be printed, "For ——— tax, yes," and "For ——— tax, no," which blanks shall be filled with a proper designation of the proposed improvement, as the notice may require; and said commissioners shall cause the same notice for such vote to be given as is required in the election for state and county officers. It shall be the duty of the judges of election in the several townships and wards in any county in which such question may be submitted, as aforesaid, on the day of said election, to open a poll for taking said vote, and to receive and count the ballots cast on each of such propositions, and within three days thereafter to return to the auditor of the county a full and correct abstract of said votes; and the said judges of election shall, in all respects, be governed by the laws regulating general

Levying taxes:

Question of
levy of tax for
improvements
required to be
submitted to
vote: proviso.

When question
shall be sub-
mitted.

Each propo-
sition to be sub-
mitted sepa-
rately.

Duty of judges
of election.

Canvass of vote.

Question may
be submitted
again on
petition.

Majority vote
necessary to
authorize levy.

Improvements
in course of con-
struction.

Restoration of
condemned
bridge; com-
missioners may
anticipate
collection of
taxes; issue of
bonds.

Repeals.

elections, and shall be entitled to the same compensation for returning said poll-books, which shall be paid out of the county treasury on the order of the auditor; and the poll-books so returned shall, within five days from the time of holding such election, be opened, and the votes counted by the commissioners and the auditor of the county, a correct statement of the result of which votes shall be kept by said auditor on file in his office for public inspection. If a majority of the votes so cast shall be against the policy of such improvements, the commissioners shall not assess any tax for that purpose, but the commissioners may, on the petition of not less than one hundred taxpayers of said county again submit the same question at any regular annual spring or fall election, under the same rules and regulations as before provided. If at any such election a majority shall be found in favor of the improvements as aforesaid, then the commissioners shall be authorized to proceed to levy the tax; provided, that this section shall not apply to the construction of any public buildings or bridges commenced or contracted for prior to the passage of this title, or for which the commissioners have in good faith purchased the grounds, or acquired the materials for the same, and are now proceeding to construct; and provided further, that in case an important bridge belonging to or maintained by any county, has become or may hereafter become dangerous to public travel by decay or otherwise and shall have been condemned for public travel by the proper and legal authorities, and the restoration thereof is deemed by the commissioners of such county to be necessary for the public accommodation, the commissioners of any such county are hereby authorized to levy a tax for the purpose of raising money for the restoration of such bridge of any amount not to exceed in any one year two-tenths of one mill for every dollar of taxable property upon the tax duplicate of said county, and if the said commissioners deem it necessary or advisable in any case, they may anticipate the collection of such special tax by borrowing any sum not exceeding the amount so levied at any rate of interest not exceeding six per cent. per annum, payable semi-annually, and may issue notes or bonds therefor, payable when said tax shall be collected.

SECTION 2. That section 2825 of the Revised Statutes be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed April 12, 1898.

80G

[Senate Bill No. 138.]

AN ACT

To amend section 2273 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2273 of the Revised Statutes be and the same is amended so as to read as follows:

Sec. 2273. In all cities except those of the third grade of the first class and those of the first grade of the second class, the corporation shall pay such part of the cost and expense of each improvement as to the council may seem equitable and just, which part shall not be less than one-fiftieth of all such costs and expenses, and the same shall be certified by the corporation clerk to the county auditor and levied on all taxable property in the corporation, and collected as other taxes; provided, that any and all certifications to the auditor under this section of the one-fiftieth or more, if ordered by the corporation authorities, and also the certification for the crossings and intersections, as provided for in section 2274, shall be a part of the maximum levy authorized under section 2689a of the Revised Statutes; and provided further, when such certification is made it shall be considered as money in the treasury in compliance with section 2702.

Assessments:

Municipality to pay portion of cost of improvements.

Costs to constitute part of maximum levy.

SECTION 2. That section 2273 is hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

HARRY C. MASON,

• *Speaker of the House of Representatives.*

ASAHEL W. JONES,

President of the Senate.

Passed April 12, 1898.

81G

[Senate Bill No. 58.]

AN ACT

To supplement section 3794 of the Revised Statutes, and relating to sales and conveyances made by trustees and other officers of religious societies of real estate. ~~to be printed~~

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3794 of the Revised Statutes be supplemented by a supplemental section with sectional numbering as follows:

Religious and other societies:

Sec. 3794b. Provided, however, that where the trustees or other officers mentioned in section 3794 have heretofore sold and conveyed by deed in fee simple or mortgaged any real estate therein mentioned, without proceeding as required by such section, and the grantees thereof, and their successors in line of title, have, for five years since

Title to certain transfers of real estate guaranteed.

the date of such conveyance, held continued, exclusive, notorious and adverse possession of such real estate so conveyed, such sales, conveyances and mortgages shall be of, and have the same validity and effect as if the same had been made by proceedings instituted under said section and duly confirmed by the court of common pleas.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 12, 1898.

82G

[Senate Bill No. 213.]

AN ACT

To amend an act entitled "An act conferring upon the council of any incorporated village in the state of Ohio, owning and operating in connection with its waterworks, an electric light plant for commercial or street lighting, or both, the power to place the management, conduct, control and operation of said electric light plant in the hands of waterworks trustees" (92 O. L., page 382), and authorizing and empowering waterworks trustees in certain cities and villages owning and operating electric light plants to traffic in electric lights for commercial purposes.

Municipal corporations:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That an act entitled "An act conferring upon the council of any incorporated village in the state of Ohio, owning and operating in connection with its waterworks, an electric light plant for commercial or street lighting, or both, the power to place the management, conduct, control and operation of said electric light plant in the hands of waterworks trustees," (O. L., vol. 92, page 382), be amended so as to read as follows:

Control of village electric light plant by waterworks trustees.

Sec. 1. That the council of any city of the second class and fourth grade and any incorporated village in the state of Ohio owning and operating an electric light plant for commercial or street lighting in connection with waterworks may, by ordinance, place the care and control of such electric light plant in the hands of the waterworks trustees of such village; and the acts of such waterworks trustees within the limits of the ordinance giving them such control shall be binding upon all parties concerned. And such waterworks trustees of such city or village shall have the power, by ordinance of the council, to sell electric light from such plant to any person or persons, company or companies, and corporation or corporations doing business in or situated within the corporate limits of such cities or villages.

Authority to sell light.

SECTION 2. Said act passed April 27, 1896 (92 O. L., page 382), is hereby repealed and this act shall take effect and be in force from and after its passage. Repeals, etc.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed April 12, 1898.

83G

[Senate Bill No. 243.]

AN ACT

To amend section 4 of an act entitled "An act to create the office of dairy and food commissioner," as amended February 17, 1898.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4 of an act entitled "An act to create the office of dairy and food commissioner," as amended February 17, 1898, be amended so as to read as follows:

Sec. 4. Said commissioner may appoint not to exceed two assistant commissioners, whose salaries shall be one thousand dollars per year, and necessary traveling expenses incurred in the discharge of their official duties, to be paid in like manner with the commissioner's and on itemized vouchers approved by said commissioner; the said commissioner shall have power to employ such experts, chemists, agents, inspectors and counsel as may by him be deemed necessary for the proper enforcement of the laws, their compensation to be fixed by the commissioner. All charges, accounts and expenses authorized by this act shall be paid out of the state treasury upon vouchers certified by the commissioner, and upon warrant by the state auditor. The entire expense of said commissioner shall not exceed in one year the amount specifically appropriated for such purposes. All vacancies in the office of the food and dairy commissioner shall be filled by appointment of the governor until the next general election, then the same shall be filled as in the original election. All fines, fees and costs assessed and collected under prosecutions begun, or caused to be begun, by the commissioner, and all fines, fees and costs heretofore assessed and collected under prosecution begun or caused to be begun by the commissioners, shall be paid by the court to the commissioner, and by him paid into the state treasury and be credited to the general revenue fund of the state. The center room on the north side of the southwest corridor in the capitol building, now occupied by the dairy and food commissioner, is set apart for his use, wherein shall be kept his books, records, and other property of the office. He shall keep a seal with which to attest official acts and docu-

Dairy and food commissioner:

Assistant commissioners.

Experts, chemists, agents, inspectors and counsel.

Payment of expenses, etc.; limitation.

Vacancy in office of commissioner.

Disposition of fines, fees and costs.

Office, seal, stationery and supplies.

Annual report.

ments, and shall be entitled to stationery and supplies from the secretary of state as are other state officers. The commissioner shall make an annual report to the governor on or before the fifteenth day of November of each year, containing itemized statements of all receipts and disbursements, attorney fees in each specified suit brought in this department, and all persons employed by him, together with such statistics and other matter as he may regard of value; said reports to be published as are the other reports of the other state officers.

Repeals, etc.

SECTION 2. That section 4 of "An act to create the office of food and dairy commissioner," as amended February 17, 1898, is hereby repealed, and this act shall take effect and be in force from and after its passage.

HARRY C. MASON,

Speaker of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed April 12, 1898.

84G

[Senate Bill No. 117.]

AN ACT

To amend section 6565 as amended April 27, 1893 (O. L., vol. 90, page 358).

Justices of the peace:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 6565 be amended so as to read as follows:

Exceptions to decisions; must be made at time of rendering; objector entitled to time for reducing same to writing.

Sec. 6565. In all cases before a justice of the peace, whether tried by jury or by the justice, either party shall have the right to except to the decisions of the justice upon any matters of law arising in the case. The party objecting to the decision must except at the time the decision is made, and if requested by the party objecting, time shall be given to reduce the exceptions to writing, but not more than ten days, nor less than five beyond the date, or overruling of the motion for a new trial, or from the date on which the decision of the justice is rendered. The trial justice or his successor shall within the time herein limited, if the bill of exceptions be correct, sign said bill of exceptions and file the same with the papers in the case, and note such signing and file in his docket and transmit the same with the transcript of his docket and original papers within ten days of the date of signing, to the clerk of the court of common pleas and by him filed and entered upon his trial docket as in other cases. The party demanding such transcript shall, if required, pay the fees therefor in advance to the justice.

Signing, filing and transmittal of bill of exceptions to clerk of courts.

Repeals, etc.

SECTION 2. Said section 6565, as amended April 27, 1893 (O. L., vol. 90, page 358), is hereby repealed, and

this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 12, 1898.

85G

[Senate Bill No. 111.]

AN ACT

To amend sections 656, 657 and 658 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 656, 657 and 658 of the Revised Statutes of Ohio be so amended as to read as follows:

Board of state charities:

Sec. 656. That the board of state charities shall be provided with a suitable room in the state house. Regular meetings of the board shall be held quarterly, or oftener if required. They may make such rules and orders for the regulation of their own proceedings as they may deem necessary. They shall investigate the whole system of public charities and correctional institutions of the state, examine into the condition and management thereof, especially of municipal and state prisons and reformatories, workhouses, jails, infirmaries, children's homes and state institutions, and the officers in charge of all such institutions and those who are in any way responsible for the administration of public funds used for the relief or maintenance of the poor, shall furnish to the board or its secretary such information and statistics as they may require; and, to secure accuracy, uniformity and completeness in such statistics, the board may prescribe such forms of report and registration as they may deem necessary. All plans for new jails, workhouses, children's homes, infirmaries, state institutions and municipal lockups or prisons, and for important additions to or alterations in such existing institutions shall, before their adoption by the proper officials, be submitted to the board for criticism and approval. The governor, in his discretion, may, at any time, order an investigation by the board, or by a committee of its members, of the management of any penal, reformatory or charitable institution of the state, and said board or committee, in making any such investigation, shall have power to send for persons and papers, and to administer oaths and affirmations; and the report of such investigation, with the testimony, shall be made to the governor, and shall be submitted by him, with his suggestions, to the general assembly.

Office: meetings; rules; powers and duties.

Governor may order investigation by board.

Sec. 657. That the said board may appoint a secretary, who shall receive for his services, in addition to his traveling expenses, such salary as may be agreed upon by

Appointment of clerk, and his salary.

the board, not to exceed twelve hundred dollars per annum. All accounts and expenditures shall be certified as may be provided by the board, and shall be paid by the treasurer upon an order from the auditor of state.

Annual report
of board.

Sec. 658. The board of state charities shall annually prepare and print, for the use of the legislature, a full and complete report of all their doings during the preceding year, stating fully and in detail all expenses incurred, all officers and agents employed, with a report of the secretary, embracing all the respective proceedings and expenses during the year, and showing the actual condition of all the institutions under their control, with such suggestions as they may deem necessary and pertinent.

Repeals, etc.

SECTION 2. Said original sections 656, 657 and 658 of the Revised Statutes are hereby repealed and this act shall take effect and be in force from and after its passage.

HARRY C. MASON,

Speaker of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed April 12, 1898.

86G

[Senate Bill No. 74.]

AN ACT

To amend and supplement section 6960 of the Revised Statutes of Ohio, as amended March 25, 1896 (O. L., vol. 92, page 86); to amend section 6961 of the Revised Statutes of Ohio, as amended January 20, 1898; to amend section 6964 of the Revised Statutes of Ohio, as amended April 1, 1896 (O. L., vol. 92, page 115); to repeal sections 1 and 2 of an act passed April 1, 1896 (O. L., vol. 92, page 114), entitled "An act to amend an act passed May 9, 1894, entitled 'an act to prohibit the unlawful killing and transportation of quail.'"

Offenses against
public policy:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That Section 6960 of the Revised Statutes of Ohio, as amended March 25, 1896; that section 6961 of the Revised Statutes of Ohio, as amended January 20, 1898, and that section 6964 of the Revised Statutes of Ohio, as amended April 1, 1896, be and said sections are hereby amended and said section 6960 supplemented so as to read as follows:

Catching, kill-
ing, injuring,
pursuing or
destroying eggs
or nests of cer-
tain birds; pen-
alty.

Sec. 6960. No person shall, at any time, kill or injure, or pursue with such intent, any sparrow, nuthatch, warbler, flicker, vireo, wren, robin, catbird, tanager, bobolink, blue-jay, oriole, grosbeak or redbird, creeper, redstart, waxwing, woodpecker, humming bird, bunting, starling, redwing, purple martin, brown thrasher, American goldfinch, chewink or ground robin, pewee or phoebe bird, chickadee, fly catcher, gnat catcher, mouse hawk, whippoorwill, snowbird, titmouse or eagle. No person shall, at any time, destroy

the eggs or nest of any of the birds named in this section. Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof, shall be fined as provided in section 6968; provided further, that nothing in this act shall prohibit the killing of the house or English sparrow at any time, by anybody, or prohibit the killing of the American robin and bluejay, by the owner or tenant of any premises where such birds are found destroying berries or fruit growing on such premises.

House-sparrow
and American
robin.

Sec. 6960a. The provisions in section 6960 of this act shall not apply to any person holding a permit giving the right to take birds or their nests and eggs for scientific purposes, as herein provided. Permits may be granted by the president of the fish and game commission to any properly accredited person, permitting the holder thereof to collect birds, their nests and eggs for strictly scientific purposes. In order to obtain such permit the applicant for the same must present to said president of the fish and game commission written testimonials from two well-known scientific men or teachers of science, certifying to the good character and fitness of said applicant to be entrusted with such privilege, and pay to said president one dollar to defray the necessary expense attending the granting of such permit, and must file with said president a properly executed bond in the sum of one hundred dollars, signed by at least two responsible citizens of the state as sureties. The bond shall be forfeited to the state and the permit become void upon proof that the holder of such permit has killed any bird or taken the nests or eggs of any bird for any other than that named in this section, and shall further be subject for each offense to the penalties provided in this act. The permits authorized by this act shall be in force for two years from the date of their issue and shall not be transferable.

Permits to take
birds, nests and
eggs for scientific
purposes;
how obtained;
fee.

Permit in force
but two years;
non-transfer-
able.

Sec. 6961. No person shall, on any place, catch, kill or injure, or pursue with such intent, any quail, except between the tenth day of November and the fifteenth day of December, inclusive; or any dove, woodcock or squirrel, except between the fourth day of July and the fifteenth day of December, inclusive; or any ruffed grouse, or pheasant or prairie chicken, except between the first day of September and fifteenth day of December, inclusive; or any rail, snipe, killdeer or plover, except between the first day of September and the fifteenth day of May, inclusive; or any coot or mud hen, or wild duck, except between the first day of September and the fifteenth day of April, inclusive. No person shall, at any time, catch, kill or injure, or pursue, with such intent, any wild duck or wild goose, by the aid or use of any swivel or punt gun, or any other gun but a common shoulder gun; or with the aid of, or from any sink boat or battery, or by the use or aid of any steamboat, naphtha launch, electric launch, sail boat, steam launch or any kind of boat whatsoever, except a common row boat propelled by oars. No

Penalty for un-
lawful catching,
killing, injur-
ing or pursuing
of game, de-
stroying eggs
or nests, hunt-
ing, shooting,
trapping, etc.

person shall, at any time, catch, kill or injure or pursue with such intent, any of the birds, game or animals mentioned in this act, with or by the use of any trap, net or snare, or destroy any of the eggs or nests of any of the birds named in this section. No person shall kill any wild duck on Sunday or Monday of any week, on any of the reservoirs belonging to the state of Ohio, or upon the waters of Lake Erie and the estuaries and bays thereof, or on the rivers, creeks, ponds, or other waters or bodies of water in this state. No person shall hunt, shoot or trap, or have in possession in the open air for such purpose, any of the implements for the hunting, shooting or trapping of the same, on the first day of the week, commonly called Sunday. No person shall shoot at or kill, any wild duck before five o'clock in the forenoon, or after six o'clock in the afternoon of any day upon which it shall be lawful to kill the same. Any person violating any of the provisions of this act, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined as provided in section 6968. Provided, that nothing herein shall be construed so as to prohibit the killing of squirrels by the owner or tenant of any premises where such animals may be found injuring grain, fruit trees, shrubbery or vegetables.

Injurious
squirrel.

Penalty for unlawful purchase, sale, exposure or possession of certain birds or game.

Unlawful killing, selling or transportation of game; penalty.

Sec. 6964. Whoever has in his possession, any quail or wild turkey, except between the tenth day of November and the fifteenth day of December, inclusive; or any woodcock or squirrel, except between the fourth day of July and the fifteenth day of December, inclusive; or any ruffed grouse, or pheasant, or prairie chicken, except between the first day of September and the fifteenth day of December, inclusive; or whoever purchases, sells or exposes for sale, or has in his possession, any dove, except between the fourth day of July and the fifteenth day of December, inclusive; or any snipe, rail, killdeer or plover, except between the first day of September and the fifteenth day of May, inclusive; or any coot or mud hen, or wild duck, except between the first day of September and the fifteenth day of April, inclusive; or any Mongolian pheasant, English or ring neck pheasant, before the tenth day of November, 1903, or after that date, except between the tenth day of November and the fifteenth day of December, inclusive; or any of the song or insectivorous birds mentioned in section 6960; or whoever shall at any time, catch or kill, any quail, wild turkey, ruffed grouse or pheasant, prairie chicken, woodcock, squirrel, Mongolian pheasant, or English or ring neck pheasant, for the purpose of conveying the same beyond the limits of this state, or for sale in the markets of this state, or shall transport or have in possession with intent to procure the transportation beyond the limits of this state, or for sale in the markets of this state, any quail, wild turkey, ruffed grouse or pheasant, prairie chicken, woodcock, squirrel, Mongolian pheasant, or English or ring neck pheasant, killed within this state, shall be fined as provided in section

6968. And in addition thereto, shall be liable to a penalty of twenty-five dollars for each bird trapped or possessed contrary to the provisions of this act. The reception by any person within this state of any such birds, game or animals, for shipment to a point without the state, shall be prima facie evidence that such birds, game or animals, were killed within this state for the purpose of conveying the same beyond its limits; provided, that the provisions of this act shall not be construed as applicable to any common carrier into whose possession any of the birds, game or animals herein mentioned, shall come in the regular course of their business for transportation, while they are in transit through this state from any place without this state, where the killing of such birds, game or animals shall be lawful, but nothing in the provisions of this act shall prevent any one having in his possession wild deer during the time when the killing thereof is made penal. Any game warden or deputy game warden in this state shall have authority and right, at any time, to open packages, boxes, crates or other receptacles, containing the birds, game or animals prohibited by this act from being transported without the limits of this state, delivered to a common carrier for transportation out of the state, and shall take and confiscate such birds, game or animals, about to be transported out of the state, and deliver them to some hospital, infirmary or charitable institution.

Evidence.

Common carrier.

Authority of game warden or deputy to open shipments containing birds or game.

SECTION 2. Section 6960 of the Revised Statutes, as amended March 25, 1896, section 6961, as amended January 20, 1898, section 6964 of the Revised Statutes, as amended April 1, 1896, and sections 1 and 2 of an act passed April 1, 1896 (O. L., vol. 92, page 114), are hereby repealed.

Repeals, etc.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 12, 1898.

87G

[Senate Bill No. 226.]

AN ACT

To authorize the board of trustees of the Ohio university to refund certain certificates of indebtedness heretofore issued.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of trustees of the Ohio university is hereby authorized to issue from time to time, certificates of indebtedness to an amount not exceeding in the aggregate fifteen thousand dollars, in anticipation of the annual levies authorized by section 3951 of the revised

Trustees Ohio university authorized to issue certificates of indebtedness.

statutes of Ohio, as amended March 20, 1891 (O. L. 88, page 159), and as further amended February 26, 1896 (O. L. 92, page 40), provided that the whole amount of said certificates of indebtedness shall be paid by said board of trustees out of the proceeds of such levies on or before December 31, 1905; and, provided further, that not less than five thousand dollars, in the year 1904, and ten thousand dollars, in the year 1905, shall be set apart, of such annual levy, for the redemption of the certificates of indebtedness herein authorized.

How certificates
to be executed;
rate of interest;
when payable,
etc.

SECTION 2. The certificates herein authorized shall be signed by the president and secretary of said board of trustees, and sealed with the seal of said university, shall bear such rate of interest, not exceeding six per cent. per annum, payable semi-annually, as said board of trustees shall determine, and shall be payable by said board of trustees out of the revenue to arise under an act entitled "An act to supplement section 3951 of the revised statutes of Ohio, as amended March 20, 1891" (O. L. 88, page 159), passed February 26, 1896 (O. L. 92, page 40), and the moneys arising from the issue of said certificates shall be applied exclusively to the redemption of the certificates of indebtedness heretofore issued by said board of trustees, and maturing, five thousand dollars thereof September 1, 1898, and ten thousand dollars thereof September 1, 1899. Said certificates of indebtedness shall be sold by said board of trustees, at not less than their par value, to the highest bidder after thirty days' notice of the sale has been given in not less than one newspaper published and of general circulation in each of the cities of Cincinnati, Cleveland and Columbus.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 12, 1898.

88G

[Senate Bill No. 297.]

AN ACT

To authorize the Ohio state board of agriculture to issue bonds for the purpose of acquiring additional land for fair grounds and to improve fair grounds and buildings.

State board of
agriculture
authorized to
issue bonds for
fair ground im-
provements.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the Ohio state board of agriculture be and is hereby authorized to issue bonds, not to exceed eighty thousand dollars (\$80,000), for the purpose of securing money with which to purchase additional land for state

fair purposes, erect new buildings and improve the state fair grounds and buildings; and secure the payment of the same by a mortgage of its real estate, with the improvements thereon.

SECTION 2. Said bonds may be issued at such time or times as the state board of agriculture may determine, of the denomination of one hundred dollars (\$100) each, with interest not to exceed five per centum per annum, payable semi-annually; and said bonds shall be paid, not less than five thousand dollars (\$5,000) or more than ten thousand dollars (\$10,000), on September 1, 1902, and not less than five thousand dollars (\$5,000) or more than ten thousand dollars (\$10,000), annually thereafter until all bonds are paid.

When issue to be made; denomination; interest; when payable.

SECTION 3. The moneys arising from the sale of these bonds shall be used only for the purposes named in section one of this act.

SECTION 4. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 12, 1898.

89G

[House Bill No. 184.]

AN ACT

To amend sections 4446^f and 4446^g of the Revised Statutes of Ohio (being part of an act entitled "An act to regulate the manufacture and sale of commercial fertilizers," passed March 16, 1881, and amended April 27, 1893, and April 17, 1894).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 4446^f and 4446^g of the Revised Statutes of Ohio be so amended as to read as follows:

Agriculture:

Sec 4446^f. Any person or party who shall offer or expose for sale, or sell, any commercial fertilizer without complying with the provisions of sections 4446^a, 4446^b and 4446^c of the Revised Statutes, or shall permit an analysis to be attached to any package of such fertilizer, stating that it contains a larger percentage of any one or more of the constituents named in said section 4446^a than it really does contain, shall be subject to a penalty of not less than two hundred dollars for the first offense, and not less than five hundred dollars for every subsequent offense, to be recovered in a civil action, and the offender, in all cases, shall also be liable for damages sustained by the purchasers of such fertilizers; provided, however, that a deficiency of one per cent. of the nitrogen, potash or phosphoric acid claimed to be contained, shall not be considered as evidence of fraudulent intent.

Penalty for exposing for sale or selling commercial fertilizer unlawfully.

Where suit to
recover pen-
alties may be
brought.

Sec. 4446g. Suit may be brought for the recovery of penalties under the provisions of this act in the court of common pleas of the county where the fertilizer was offered for sale, or sold, or where it was manufactured, and all penalties so recovered, shall be paid into the state treasury to the credit of the general revenue fund.

Repeals, etc.

SECTION 2. Said sections 4446f and 4446g of the Revised Statutes are hereby repealed, and this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 13, 1898.

90G

[House Bill No. 374.]

AN ACT

To supplement section 1492 of the Revised Statutes of Ohio with sectional number 1492a.

Care of poor:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1492 of the Revised Statutes of Ohio be and the same is hereby supplemented with section number 1492a

Defense of town-
ship trustees in
action for non-
support of
pauper.

Sec. 1492a. It shall be a sufficient defense for the trustees of any township in this state, in any action brought to compel the support or relief of any pauper within such township, or in any action based upon the refusal of such township trustees to afford support or relief to any person within such township, to show that such person has, during the period necessary to obtain a legal settlement in such township been supported in whole or in part by others with the intention to thereby make such person [a] charge upon such township; and the fact that such person has during the period necessary to obtain a legal settlement in such township been supported in whole or in part by others shall be prima facie evidence of such intention.

Evidence.

SECTION 2. This act shall take effect on its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 13, 1898.

91G

[House Bill No. 87]

AN ACT

To amend section 2573b of Bates' Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2573b of the Revised Statutes of Ohio, be amended so as to read as follows:

Shops and factories:

Sec. 2573b. The said inspector shall have entry into all such shops and factories, including all public institutions of the state which have shops and factories, or either, at any reasonable time, and it shall be unlawful for the proprietors, agents or servants in such factories or shops to prevent, at reasonable hours, his entry into such shops and factories for the purpose of such inspection. And proof of the failure of the proprietor of any shop or factory to make the alterations or furnish the safeguards ordered by the inspector, within the time required by law, shall be deemed prima facie evidence of negligence and shall render such proprietor liable for any injury sustained by reason of such failure to make such alterations or furnish such safeguards.

Inspector to have free access to shops and factories.

Proof of failure to comply with order; liability of proprietor.

SECTION 2. That said section 2573b be and the same is hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed April 13, 1898.

92G

[House Bill No. 453.]

AN ACT

To amend and supplement section 1683 of the Revised Statutes of Ohio as enacted April 18, 1870 (O. L., vol. 67, page 71).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1683 of the Revised Statutes of Ohio as enacted April 18, 1870 (O. L., vol. 67, page 71), be and the same is hereby amended and supplemented as follows:

Council and aldermen:

Sec. 1683. Except in cities of the second grade of the second class, no member of the council or board of aldermen shall receive any compensation for his services, either as councilman, alderman, committeeman or otherwise, except when acting as judge of election, when he shall receive such compensation as is provided by law for a judge of election.

Compensation of members.

Compensation
in Dayton.

Sec. 1683a. That in cities of the second grade of the second class, each member of the city council shall receive from the treasury of the city five (\$5.00) dollars for each meeting of council which he attends, for not to exceed twenty-six (26) meetings in any one year; provided, however, that at each meeting of council the roll shall be called at the opening of the meeting, and again immediately preceding the adjournment of the meeting, and no member shall receive pay for a meeting unless he answers to both roll-calls.

Repeals.

SECTION 2. That said original section 1683 be and the same is hereby repealed.

SECTION 3. That this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 13, 1898.

93G

[House Bill No. 261.]

AN ACT

To prevent the abandonment of parents by children.

Penalty for
abandonment
of destitute, in-
firm or aged
parent.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any adult person, a resident of this state, having a parent within this state, said parent being destitute of means of subsistence and unable either by reason of old age, infirmity or illness to support himself or herself, who is possessed of, or able to earn, means sufficient to provide such parent with necessary shelter, food, care and clothing, and neglects or refuses so to do, shall, upon conviction, be deemed guilty of a misdemeanor and punished by imprisonment in jail or in a workhouse, at hard labor, for not more than one year nor less than three months; provided, however, if, after such conviction and before sentence, such person shall appear before the court in which such conviction shall have taken place and enter into bond, with good and sufficient surety to be approved by said court, to the state of Ohio in the penal sum of \$1,000, conditioned that he will furnish such parent with necessary and proper shelter, food, care and clothing, the said court shall suspend sentence therein.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 13, 1898.

94G

[House Bill No. 194.]

AN ACT

To amend section 4073 of the Revised Statutes, as amended April 6, 1896.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4073 of the Revised Statutes of Ohio be amended to read as follows:

Public schools:

Sec. 4073. The board may grant certificates for one, two and three years from the day of examination, which shall be valid in the county wherein they are issued, except in city and village districts that have boards of examiners, in which they shall not be valid; that in all school districts in the state of Ohio not having a special board of examiners and situated in two or more counties, teachers' certificates obtained from either county so situated shall be held valid in such districts; and the examiners may grant certificates for five years to such applicants as in addition to the necessary qualifications have been for three years next preceding their application engaged in teaching, twelve months of which experience shall have been in one place; and such certificates for five years shall be renewable upon the same condition, but without examination, at the discretion of the examining board; and the examiners may grant certificates for eight years from the date of examination, to such applicants as, in addition to the necessary qualifications, hold or have held a certificate for five years, and have been for three years next preceding their application engaged in teaching, eighteen months of which experience shall have been in one place; and the applicants for such certificates for eight years, in addition to the other qualifications, shall be required to pass a satisfactory examination in botany, algebra, natural philosophy and English literature; and such certificate for eight years shall be renewable upon the same conditions, but without examination, at the discretion of the examining board; and if at any time the recipient of a certificate be found intemperate, immoral, incompetent, or negligent, the examiners, or any two of them, may revoke the certificate; but such revocation shall not prevent a teacher from receiving pay for services previously rendered; and when any recipient of a certificate is charged with intemperance, or other immorality, the examining board shall have power to send for witnesses and examine them on oath or affirmation touching the matter under investigation. The fees and other expenses of such trial shall be certified to the county auditor by the clerk and president of the examining board, and be paid out of the county treasury upon the order of the auditor.

Granting and revocation of teachers' certificates.

Investigation of charges against teacher.

Expenses.

Repeals, etc.

SECTION 2. Said section 4073, as amended April 6, 1896, is hereby repealed, and this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 13, 1898.

95G

[House Bill No. 245.]

AN ACT

For the relief of the family of Robt. V. Clark, late private of company L, eighth regiment of infantry, Ohio national guard.

Warrant in
favor of John
J. Clark.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the auditor of the state of Ohio be and is hereby authorized and required to issue his warrant on the state treasurer to pay to John J. Clark, father of Robert V. Clark, late private of company L, eighth regiment infantry, Ohio national guard, and now living at Canton, Stark county, Ohio, the sum of two hundred and five (\$205) dollars, which sum shall be in full liquidation and payment to the family of said Robert V. Clark, who died from disease contracted by him in the line of his duty as a member of the Ohio national guard while aiding in suppressing disturbances near Wheeling creek in 1894.

SECTION 2. This act will take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 13, 1898.

96G

[House Bill No. 433.]

AN ACT

[To amend] an act entitled "An act to amend section 6 of an act passed April 19, 1883 (80 O. L., 196), entitled 'An act for the more effective protection of persons dealing in timber'."

Compensation
for securing
drift timber.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That every person who shall take up and secure any saw-logs or trees prepared for the purpose of sale, or any cross or railroad ties, boards, planks, staves, heading, or other timber prepared for market of another, found adrift in the Ohio river and the rivers and creeks within the state of Ohio, whether the same have thereon any such trade-mark or not, shall be entitled to receive from the

owner thereof a compensation for so much thereof as he [shall] deliver to such owner, as follows: For each saw-log or other log or tree prepared for sale fifty cents each. For each cross or railroad tie if caught in rafts one cent per tie, not exceeding one thousand ties, and one-half cent per tie for all exceeding one thousand ties. For each single cross or railroad tie, six cents. For boards or planks, if caught in rafts or large bodies, fifty cents per thousand feet, board measure, for twenty thousand feet, or a less quantity; and over twenty thousand feet, twenty-five cents per thousand feet, board measure; but if the same be not in rafts, but loose and scattered, two dollars and fifty cents per thousand feet, board measure; and for staves and heading, three dollars per thousand for all such as are marketable, to be paid by the owner thereof, if required, before the delivery of the same to him. If the owner of any such logs, trees, ties, boards, planks, staves, or headings, fail to pay the sums so chargeable thereon within sixty days from the day they are so taken up, they may be sold at the instance of the person to whom such charges are due, by a constable or the sheriff of the county, at public auction to the highest bidder, upon thirty days' notice posted on the front door of the court house of the county in which the sale is to be made, and at the place of sale thereof, the officer making said sale shall, from proceeds thereof, pay to the person who took up said logs, trees, ties, boards, plank, staves, or headings, the sum to which he is entitled therefor as aforesaid, and retain the balance, after deducting his commission, which shall be the same as upon sales under execution, for the use of the owners, but if no person shall appear and establish his right to such proceeds within one year after such sale, he shall place the same to the credit of the distributable school fund of his county, and report the amount thereof to the county auditor. Original section 6 of this act is hereby repealed.

Failure of owner to pay fees; sale of property; proceeds of sale; how disposed of.

Repeals.

SECTION 2. This act shall be in full force and effect from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 13, 1898.

97G

[House Bill No. 474.]

AN ACT

To amend section 3137 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3137 of the Revised Statutes of Ohio be amended so as to read as follows: Infants:

How a child
may be adopted.

Inmate of or-
phan asylum
or children's
home.

Repeals, etc.

Sec. 3137. An inhabitant of this state not married, or a husband and wife jointly, may petition the probate court of their proper county for leave to adopt a minor child not theirs by birth, and for a change of the name of such child; but a written consent must be given to such adoption by the child, if of the age of fourteen years, and by each of his or her living parents who is not hopelessly insane, intemperate, or has not abandoned such child, or if there are no such parents, or if the parents are unknown, or have abandoned such child, or if they are hopelessly insane or intemperate, then by the legal guardian, or if there is no such guardian, then by a discreet and suitable person appointed by the court to act in the proceedings as the next friend of such child; but when such child is an inmate of an orphan asylum, or children's home, organized under the laws of this state, and has been previously abandoned by its parents or guardians, or voluntarily surrendered by its parents or guardians to the trustees or directors of such asylum, or children's home, then the written consent of the president of the board of trustees or directors of such asylum, or children's home, shall be received by the probate court in the place of the consent of the parents or guardians.

SECTION 2. That said original section 3137 is hereby repealed, and this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAH W. JONES,
President of the Senate.

Passed April 13, 1898.

98G

[House Bill No. 703.]

AN ACT

Making appropriations for the Massillon state hospital and Ohio reformatory.

Appropriations
for Massillon
state hospital
and Ohio re-
formatory.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and is hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund not otherwise appropriated, to pay liabilities for construction purposes of Massillon state hospital, authorized by an act of the general assembly, passed April 24, 1896 (O. L. 92, page 305), the sum of fifty thousand (\$50,000) dollars, and for procurement of right of way for railroad switch to the property of said hospital, the sum of six thousand (\$6,000) dollars. For constructing Ohio reformatory, twenty-five thousand (\$25,000) dollars.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 19, 1898.

99G

[House Bill No. 127.]

AN ACT

To provide for the condemnation of, or purchase of real estate, and erection of a state building in order to provide for suitable offices and rooms for the use of the state, the officers and departments thereof, and to repeal a certain act therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there is hereby constituted a board to be known as the state building commission, to be composed of the governor and attorney-general, ex officio, and three citizens of the state, to be appointed by the governor within thirty days after the passage of this act, which commission shall have authority to select and acquire a site suitable for the erection of a state building, which shall be of sufficient dimensions to furnish accommodations for the various departments of the state government now lacking room or not provided with room in the state capitol. Such departments and offices to be provided for may be determined upon by the above commission.

State building
commission:
how constituted.

SECTION 2. Said commission is hereby vested with full authority to select a site for such building, and to acquire title thereto, in the name of the state of Ohio, and it may acquire the same by purchase, or, being unable to agree with the owner or owners as to price to be paid for such property, said commission may direct the attorney-general to institute proceedings for the appropriation of such property in the name of the state, and such proceedings shall be had in accordance with the general provisions of the statutes relating to the condemnation of property for public uses. Provided, that said commission may, in its discretion, acquire a portion of said property by purchase and a portion by appropriation as aforesaid. Provided, further, that if said commission is of the opinion that the amount awarded in such condemnation proceedings is excessive, it may refuse to pay the same, and may proceed to select a different site; and provided, further, that if such commission should be unable to acquire such site at a price deemed by it reasonable and proper, it is hereby vested with power and authority to erect the building, hereinafter provided for, upon the state house grounds at such distance from the state house and on the east side

Powers and
duties of com-
mission.

thereof, entirely detached therefrom, as it may deem advisable.

Plans and specifications for building; employment of architect.

SECTION 3. Forthwith upon the acquisition of the title to such site or the location of said building upon the state house grounds, said commission shall publicly request the presentation, within a reasonable time thereafter, to be designated in such request, of competitive plans and specifications with accompanying estimates for such building or alternate designs as said commission may determine upon. And said commission shall thereupon select from the plans presented the plan by them deemed the most suitable and appropriate, and which shall comply with the terms of this act, and shall employ either the architect whose plan is selected, or some other competent architect, to furnish specifications and complete working plans for said building. And said commission may, in requesting the presentation of such plans, offer a prize or prizes, not to exceed five in number, for the most suitable plans presented, to be by said commission awarded, and said commission is authorized to expend not more than \$1,000 for such purpose.

Commission to have general control of contracting and construction; employment of superintendent and assistants.

SECTION 4. Upon the completion of such specifications and working plans said commission shall have general charge and control of the contracting, construction and erection of said building, but to be governed and controlled by chapter 1, title 6, of the Revised Statutes of Ohio relating to public buildings, so far as applicable. Said commission shall exercise general control and supervision of the erection of said building, and shall have power to employ a competent superintendent of construction to superintend the same and employ such other assistants as may be necessary. And said commission shall, as far as practicable in the construction of such building, employ Ohio labor and use material native to this state. But such building shall be completed within two years from the time suitable land is acquired or from the time that said commission finds itself unable to acquire suitable land and decides to locate said building on the state house grounds.

Limit of time within which building to be completed.

Organization of commission; employment of clerk and his duties; compensation of members, officers, superintendent, architect and assistants.

SECTION 5. Said commission shall elect one of their own number as chairman, and shall have power to employ a clerk, who, in addition to such other duties as may be assigned to him by said commission, shall keep full and accurate minutes of the proceedings of said commission, including copies of all contracts, plans and specifications, which shall at all times be open to public inspection. Said commission is also fully empowered to fix the compensation of said clerk, and of said superintendent of construction and other assistants, and to determine the sums to be paid to architects who submit plans for said building. The members of said commission appointed by the governor shall receive compensation for their services under this act for a period not to exceed two and one-half years from the passage of this act, of ten hundred dollars per

annum for each of the appointed commissioners, and shall receive no other compensation, but all the expenses for the commission for books, stationery and other supplies, shall be paid out of the treasury of the state on the warrant of the auditor of the state, to be issued upon a requisition of said commission.

Expenses for supplies.

SECTION 6. The majority of said members shall be competent to exercise any authority which this act vests in said commission, including the making of any and all contracts.

Quorum of commission.

SECTION 7. If any officer above designated shall retire from office before the completion of said building, his successor in office shall be his successor as a member of said commission, or if any appointed member shall retire from the board, his place shall be filled by appointment of the governor.

Successors to members.

SECTION 8. For the purpose of carrying out the provisions of this act, the sum of two hundred thousand dollars (\$200,000) is hereby appropriated out of any money in the state treasury to the credit of the general revenue fund, not otherwise appropriated. And the further sum of two hundred thousand dollars (\$200,000) is hereby appropriated out of any money in the state treasury to the credit of the general revenue fund, not otherwise appropriated, subject to draft on and after February 15, 1899. Said appropriations shall be paid out on warrants issued by the auditor of state, upon requisitions and estimates signed by the majority of the state building commission. Provided that said commission shall not accept any plan or enter into any contract or contracts that will contemplate or provide for a total expenditure of an amount in excess of four hundred thousand dollars (\$400,000) for the purposes covered by this act. And further provided, that said building, when fully completed, equipped, and ready for occupancy, shall not cost an amount in excess of said sum of four hundred thousand dollars (\$400,000).

Appropriations.

Limitation upon amount of contracts and cost of completion.

SECTION 9. The act entitled "An act to provide for the improvement of the state house," passed and which took effect April 27, 1896 (O. L., vol. 92, page 301), is hereby repealed.

Repeals.

SECTION 10. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 19, 1898.

100G

[House Bill No. 509.]

AN ACT

Supplemental to an act entitled "An act to provide for the location of joint-county ditches between counties of Ohio and those of other bordering states passing concurrent acts herewith," passed March 21, 1887 (O. L., 84, page 235).

Ditches, drains and water-courses:
Joint interstate county ditches; commissioners may enter into agreement for construction.

Assessments for costs and construction of ditch.

Issue of bonds.

Improvement of outlet of ditch, drain or water-course in this state: agreement by commissioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of any county in this state, when a petition is filed with the auditor of the county praying for the location or improvement of any ditch, drain or watercourse in such county, the waters from which flow into or through an adjoining county in another state, are of the opinion that the outlet for such proposed improvement is insufficient, may, and they are hereby authorized to enter into an agreement with the commissioners or other proper officials of such adjoining county, for the construction or improvement of the outlet for such ditch, drain or watercourse by such lower county, and the payment by such upper county to the lower county of such sum of money as may be agreed upon between said commissioners and the proper officials of the lower county for the construction or improvement of such outlet, which amount shall be payable into the treasury of such lower county upon the completion of the improvement of the outlet as agreed upon; and the commissioners of such upper county shall assess upon the lots, and lands, and public or corporate roads, or railroads, in their county benefited by such improvement, the costs of the location and construction of the same in their county, together with the sum of money agreed to be paid to such lower county for the improvement of the outlet therefor, and whenever in such case the commissioners of such upper county shall deem it expedient so to do, they may issue bonds of such county to raise the money necessary to pay such costs and expenses, including the amount agreed to be paid to such lower county, in the manner provided by section 4479 of the Revised Statutes of Ohio.

SECTION 2. Whenever the commissioners or other proper officials of a county in another state, adjoining a county in this state, shall desire to have the outlet for water flowing in any ditch, drain or watercourse from such upper adjoining county into or through a lower county in this state enlarged or improved, it shall be lawful for the commissioners of such lower county in this state to enter into an agreement with the commissioners or other proper officials of such upper adjoining county for the improvement of such outlet by such lower county, and the payment to such lower county for the benefit of such improvement, by such upper county, of such sum of money as may be agreed upon between said commissioners and the proper officials of such upper county, and in making

their assessments upon the lots, and lands, and public or corporate roads, or railroads, in such lower county benefited thereby, the commissioners shall take into account the amount to be paid for the benefit of such improvement by such upper county.

SECTION 3. In all cases when the commissioners of any county in this state shall enter into an agreement with the commissioners or other proper officials of an adjoining county in another state, under the provisions of either of the two preceding sections, they shall cause an entry to be placed upon their journal setting forth fully and particularly the terms of such agreement, both as to the extent and nature of the outlet to be constructed or improved, and the time within which the same is to be completed, and the amount to be paid by the upper county to the lower county for the improvement of such outlet, and the time and manner of payment of the same; and in all other matters pertaining to the location and construction of such improvement not herein expressly provided for the said commissioners shall be governed by the provisions of law providing for the location and construction of county ditches.

Terms of agreement to be set forth upon commissioners' journal.

When general provisions govern.

SECTION 4. This act shall take effect and be in force from and after the date of its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed April 19, 1898.

101G

[House Bill No. 34.]

AN ACT

To regulate the employment of minors and to repeal sections 6986, R. S., passed April 25, 1891 (O. L., vol. 88, page 396); 6986aa, R. S., passed March 21, 1887 (O. L., vol. 84, pages 249, 250); 6986bb, R. S., passed April 27, 1885 (O. L., vol. 82, page 162); 6986c, R. S., passed April 27, 1885 (O. L., vol. 82, page 162).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That no child under the age of thirteen years shall be employed in any factory, workshop, mercantile or other establishment, directly or indirectly; and no boy under fifteen years of age, and no girl under sixteen years of age, shall be employed at any work performed for wages or other compensation, or in assisting any person employed as a wage-earner, when the public schools in which district such child resides are in session, providing this act shall not apply to females working at household work.

Unlawful employment of minors.

SECTION 2. No minor under sixteen years of age, and no girl under eighteen years of age, shall be employed

Night employment.

Number of
hours of em-
ployment; time
for noon meal.

Notices to
be posted by
employers.

Record to be
kept; what to
contain.

Penalty.

Duty of in-
spector of work-
shops and
factories.

Enforcement of
school attend-
ance.

Fines to be paid
into school
fund.

Repeals, etc.

at any work at night-time later than seven o'clock in the evening nor earlier than six o'clock in the morning, and no minor under eighteen years of age shall be employed in any of the places named in section one of this act for a longer period than ten hours in one day, nor more than fifty-five hours in one week; and every such minor under eighteen years of age shall be entitled to no less than thirty minutes for meal time at noon, but such meal time shall not be included as part of the work hours of the day; and every employer shall post in a conspicuous place in every room where such minors are employed a printed notice stating the maximum number of work hours required in one week, and in each day of the week from such minors, such printed notice to be furnished by the chief inspector of workshops and factories, and approved by the attorney-general; and it shall be the duty of every employer of minors to keep a correct record of same, which shall be open to the inspection of the chief and district inspectors of workshops and factories, giving the name of each minor employed and place of birth, residence of parents or guardians, and the character of employment engaged in by such minor, and such record shall be corrected whenever a change occurs in the employment of such minor.

SECTION 3. Any person or corporation who shall employ any minor contrary to the provisions of this act, or who shall violate any of the provisions thereof, shall upon conviction be fined in any sum not less than twenty dollars nor more than fifty dollars, or imprisoned not less than ten nor more than thirty days.

SECTION 4. It shall be the duty of the inspector of workshops and factories to prosecute all violations of this act, when the same shall come to his knowledge, before competent authority, and the chief and district inspectors of workshops shall have authority the same as is invested in the truant officer of any school district to enforce school attendance of any child found violating the school laws, or he shall make complaint of such violation to such truant officer, or to the clerk of the board of education in said district; and all fines collected under this act shall inure to the benefit of the school fund of the district where the offense was committed.

SECTION 5. That said sections 6986, 6986aa, 6986bb and 6986c, as cited in title, are hereby repealed, and this act shall take effect and be in force on and after its passage.

HARRY C. MASON,

Speaker of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed April 19, 1898.

102G

[House Bill No. 84.]

AN ACT

To amend section 5026 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 5026, as amended January 16, 1885 (82 O. L., 5), of the Revised Statutes of Ohio be amended so as to read as follows:

Where actions
to be brought:

Sec. 5026. An action other than one of those mentioned in the first four sections of this chapter, against a corporation created under the laws of this state, may be brought in the county in which such corporation is situate, or has, or had its principal office or place of business, or in which any corporation has an office or agent, or in any county in which a summons may be served upon the president, chairman or president of the board of directors or trustees or other chief officer; but if such corporation is an insurance company, the action may be brought in the county wherein the cause of action, or some part thereof, arose; and if such corporation be organized for the purpose of mining, either exclusively, or in connection with other business, the action may be brought in any county where such corporation owns or operates a mine or mines, and the cause of action, or some part thereof, arose.

Actions against
corporation;
where to bring.Insurance com-
pany.Mining com-
pany.

SECTION 2. That said section 5026, as amended January 16, 1885 (82 O. L., 5), of the Revised Statutes of Ohio be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAH W. JONES,
President of the Senate.

Passed April 19, 1898.

103G

[House Bill No. 316.]

AN ACT

To amend section 1267 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1267 of the Revised Statutes of Ohio be amended so as to read as follows:

Prosecuting at-
torney:

Sec. 1267. There shall be elected, triennially, in each county, a prosecuting attorney, who shall hold his office for three years, beginning on the first Monday of September next after his election.

Election and
term of office.

Repeals, etc.

SECTION 2. That said section 1267 be and the same is hereby repealed; and this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 19, 1898.

104G

[House Bill No. 392.]

AN ACT

For the improvement of certain public roads.

Improvement of
certain public
roads.Petition for im-
provement; ap-
pointment of
viewers, and
duties.Finding for the
improvement.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in any county of this state having not less than two hundred and twenty-five miles of improved graveled free roads, including any former toll-roads, where there is an unimproved county road or part thereof, not exceeding three miles in length, connecting two improved graded public roads or an improved part of one such public road with another such improved road or part thereof, such unimproved county road or part thereof may be improved by grading, graveling, draining and bridging, or by any of such operations, by the commissioners of such county in the manner provided in this act.

SECTION 2. Whenever twenty or more landholders from three or more townships of any such county file with the commissioners thereof a petition for such improvement, naming the road or part thereof to be so improved, with its termini, said commissioners shall appoint three disinterested and judicious freeholders of the county as viewers of such road, who shall, after being duly sworn faithfully to perform their duties, secure a surveyor and proceed to view said road and ascertain the character and dimensions of the improvement which, in their judgment, should be made, make a careful estimate of the cost thereof, and make due return with proper detail drawings of the same to said commissioners.

SECTION 3. On such return of said viewers being made, said commissioners shall determine whether the proposed improvement, in their judgment, is of such a nature and general benefit as should in fairness be paid for out of the county treasury, taking into consideration the benefits that such locality has derived from the bridge and other general funds of the county, in comparison with other portions thereof; and if they are of the opinion that such improvement should be made, they shall so declare by resolution. And thereupon they shall pass upon said report of said viewers as to the character and dimensions of such

improvement, which they may modify, but not so as to increase the estimated cost thereof.

SECTION 4. On the approval of said report of said viewers, either in its original form or as modified, said commissioners shall cause said improvement to be made under the supervision of a competent and disinterested person appointed by them as a superintendent of work; such superintendent shall be under their control and direction, and removable for cause at their pleasure, and shall receive for his services the sum of two dollars per day; and said viewers each shall receive for their like services a like sum; and the surveyor shall receive the compensation prescribed by law. Not more than one such improvement shall be made in any county in any period of two years.

How improvement to be made; appointment of superintendent of work; compensation of superintendent, viewers and surveyor.

SECTION 5. Any such improvement shall be advertised, let and paid for, on estimates of the superintendent, approved by said commissioners, as it progresses, as if done under title 7, chapter 7, of the Revised Statutes of Ohio.

Superintendent to furnish estimates.

SECTION 6. Said commissioners may issue and sell at not less than par the bonds of said county in sums of one hundred dollars, or multiples thereof, bearing interest not exceeding five per cent. per annum and having not exceeding three years to run, payable principal and interest at the treasury of said county or at such point in the city of New York as may be designated therein, for the amount necessary to cover the cost of such improvement, which shall not exceed two thousand dollars per mile, and shall provide for the payment of such bonds by the necessary levies upon the grand duplicate of said county. Provided such bonds may be paid for out of the bridge fund or general road improvement fund, or both, and the levy for either or both of said funds may be increased above that now provided by law to the amount necessary to meet such expense.

Bonds.

SECTION 7. This act shall take effect at its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 19, 1898.

105G

[House Bill No. 354.]

AN ACT

To amend section 202 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 202 of the Revised Statutes of Ohio be amended so as to read as follows:

Attorney-general:

Duties and powers.

Sec. 202. He shall appear for the state in the trial and argument of all causes, civil and criminal, in the supreme court, wherein the state may be directly or indirectly interested; and, when required by the governor or general assembly, he shall also appear for the state in any court or tribunal in any cause in which the state is a party or in which the state is directly interested; and upon the written request of the governor, he shall also prosecute any person indicted for any crime; and with the consent of the governor and auditor of state, he may employ counsel in civil actions in which the state is a party or interested, for any and all of the departments, boards of trustees or other public departments of the state, when in his judgment the interests of the state demand that the same be done. And it shall not be lawful for any state board or state officer to employ any attorneys or counsel, except upon the recommendation of the attorney-general and upon the written consent of the governor and auditor of state.

Unlawful employment of counsel by state board or officer.

Repeals, etc.

SECTION 2. Section 202 of the Revised Statutes of Ohio is hereby repealed, and this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 19, 1898.

106G

[House Bill No. 466.]

AN ACT

For the better protection of dogs, and to amend section numbers 4202 and 4208 and to repeal section number 7008 of the Revised Statutes and an act entitled "An act to regulate the licensing of dogs and the collection and disposition of dog-license fees in cities of the first grade of the first class, and to provide for the disposition of unlicensed dogs," passed April 27, 1896 (92 Ohio Laws, page 760).

Right of action for killing, injuring, carrying or enticing away dog.

Dog is property.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the owner of any animal of the dog kind, killed or maliciously injured contrary to law, or carried or enticed away from the premises of the owner or harborer for the purpose of being killed or injured, or for the purpose of depriving the owner or harborer of his ownership or control of the same may maintain an action for damages against the person so killing or injuring or carrying or enticing away the same; and in such action damages by way of compensation for the dog, as well as exemplary damages may be allowed; and any animal of the dog kind shall be regarded as, and shall for all intents and purposes whatsoever be, property, and such animal and the owner thereof shall have all the rights and privi-

leges and be subject to the same restraints and limitations as are provided by law for live stock.

SECTION 2. Whoever steals any animal of the dog kind is guilty of larceny, the same as for the stealing of anything of value, as provided for by section number 6856 of the Revised Statutes; and whoever maliciously kills or injures any animal of the dog kind, not his own, is guilty as for the malicious destruction of, or injury to, any property, the same as provided for by section number 6863 of the Revised Statutes.

Theft of dog made larceny.

Killing or injuring dog.

SECTION 3. That section number 4202 of the Revised Statutes of Ohio be amended so as to read as follows:

Animals.

Sec. 4202. No person or corporation being the owner or having the charge of any horses, mules, cattle, sheep, goats, swine, dogs or geese shall suffer the same to run at large in any public road or highway, or in any street, lane or alley, or upon any uninclosed land or cause such animals to be herded, kept, or detained for the purpose of grazing the same on premises other than those owned or occupied by the owner or keeper of such animals, except as hereinafter provided; and any person violating the provisions of this section shall forfeit and pay for every such violation, as penalty therefor, not less than one dollar, nor more than five dollars; continued violation, after notice, or prosecution, shall be held to be an additional offense for each and every day of such continuance.

Certain animals not to run at large.

Penalty.

SECTION 4. That section 4208 of the Revised Statutes of Ohio be amended so as to read as follows:

Animals.

Sec. 4208. The person or officer taking up any such animal shall be entitled to charge and receive from the owner the following fees in addition to those authorized by the law regulating estrays, to wit: For taking up and advertising each animal of the horse or mule kind, one dollar; each head of neat cattle, seventy-five cents; each swine, fifty cents; each sheep, dog or goose, twenty-five cents; and also, reasonable pay for keeping the same; provided, that for the taking up of any single herd or flock, the fee shall not exceed five dollars; whenever the flock or herd belongs to one person.

Fees for taking up animals.

SECTION 5. Said sections numbering 4208 and 7008 of the Revised Statutes, and said act, to regulate the licensing of dogs and the collection and disposition of dog-license fees in cities of the first grade of the first class and to provide for the disposition of unlicensed dogs, passed April 27, 1896 (92 Ohio Laws, page 760), are hereby repealed; and this act shall take effect and be in force from and after its passage.

Repeals, etc.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 19, 1898.

107G

[Senate Bill No. 207.]

AN ACT

To amend section 5394 of the Revised Statutes of Ohio, as amended O. L. 88, page 267.

Execution
against prop-
erty:

Publication of
notices in Ger-
man news-
papers, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 5394 of the Revised Statutes, as amended O. L. 88, vol. 267, be amended so as to read as follows:

Sec. 5394. In any county wherein is published and printed a newspaper in the German language, and which has a circulation of at least five hundred and fifty copies of bona fide subscribers within the county, the notice required by the preceding section shall, in addition to the publication therein required, be published in such newspaper in the German language, for the same time and in the same manner, if the appraised value of the property to be sold exceeds five hundred dollars, and if two or more such papers are printed and published therein, the publication may be in either, but the court shall, on motion of the plaintiff or defendant, and may without motion, for good cause, dispense with such publication, and in any county the court may, if it deem the interests of the defendant require it, direct the publication of the notice in a newspaper printed in either the Bohemian language or in the Polish language, or in both, in addition to the publication required by the preceding section, but no error or mistake in translation, or in any publication authorized by this section, shall delay proceedings, or affect the title of the property sold, and if any such error or mistake occur by the negligence of the publisher, he shall not be entitled to compensation for the publication.

Repeals, etc.

SECTION 2. Section 5394 of the Revised Statutes, as amended 88 O. L., page 267, be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 19, 1898.

108G

[Senate Bill No. 231.]

AN ACT

To amend and repeal original section 3628, and to amend and reenact section 3628.

Life insurance
companies:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3628 be amended so as to read as follows:

Sec. 3628. Any person may effect an insurance on his life, for any definite period of time, or for the term of his natural life, to inure to the sole benefit of his widow and children, or of either, as he may cause to be appointed and provided in the policy; and the sum or net amount of insurance becoming due and payable by the terms of insurance, shall be payable to his widow, or to his children, for their own use, as provided in the policy, exempt from all claims by the representatives and creditors of such person; provided, that, subject to the statute of limitations, the amount of any premiums for said insurance paid in fraud of creditors, with interest thereon, shall inure to their benefit from the proceeds of the policy; but the company issuing the policy shall be discharged of all liability thereon by payment of its proceeds in accordance with its terms, unless, before such payments notice shall be given the company by a creditor specifying the amount of his claim and the premiums which he alleges have been so fraudulently paid.

Husband may insure his life for benefit of wife and children.

Insurance exempt from claims of creditor.

Premiums paid in fraud inure to benefit of creditor.

When company liable to creditor.

SECTION 2. That original section 3628 be and the same is hereby repealed, and this act shall take effect on and after its passage.

Repeals, etc.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 19, 1898.

109G

[Senate Bill No. 175.]

AN ACT

To amend sections 7382 and 7386 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 7382 and 7386 of the Revised Statutes of Ohio shall be amended so as to read as follows:

Jails:

Sec. 7382. The sheriff, or person acting as such, in any county having no jail, or no sufficient jail, or when the jail is in danger of being broken into by a mob shall convey any person charged with the commission of an offense, or sentenced to imprisonment in the county jail, or in custody upon civil process, to the jail of any county in the state which he may deem most convenient and secure; and such officer may call such aid as may be necessary in guarding, transporting or returning such person; and whoever neglects or refuses to render such aid, when required, shall forfeit and pay the sum of ten dollars, to be recovered by action in the name and for the use of the county. Such officer and his assistants shall each receive such compensation for their services as the auditor of the county from

When persons in custody may be confined in jail of another county.

Aid to sheriff.

Penalty for refusal to render aid.

Compensation of sheriff and assistants.

which such person was removed may deem reasonable, to be paid out of the county treasury on the warrant of the auditor.

Process, etc., for
the return of
prisoner.

Sec. 7386. The prosecuting attorney of the county from which any person charged with the commission of an offense shall have been removed for safe-keeping, may at any time file with the clerk of the court thereof, a precept directing that a warrant be issued to the sheriff having the custody of such person, commanding him to deliver the prisoner to the sheriff, or person acting as such, of the county from which the prisoner was removed, or to the sheriff of the county where the trial is to take place, where change of venue has been had.

Repeals.

SECTION 2. That original sections 7382 and 7386 of the Revised Statutes be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,

Speaker of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed April 19, 1898.

110G

[Senate Bill No. 245.]

AN ACT

To amend [section] 6351, as passed May 19, 1886 (O. L., vol. 83, page 236), of the Revised Statutes of Ohio.

Insolvent
debtors.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6351, as passed May 19, 1886 (O. L., vol. 83, page 236), of the Revised Statutes of Ohio, be amended so as to read as follows:

Payment of
liens, etc.

Questions of
title, dower, etc.

Sale of
premises.

Sec. 6351. The probate court shall order the payment of all incumbrances and liens upon any of the property sold, or rights and credits collected, out of the proceeds thereof, according to priority; provided, that the assignee may, in all cases, where the real estate to be sold, or which may have been contracted to be sold by the assignor prior to the assignment, is incumbered with liens, or where any questions in regard to the title, or the dower estate of the wife or widow of the assignor, require a decree to settle the same, commence a civil action therefor in the common pleas court or probate court of the proper county, making all persons in interest, including the wife or widow of the assignor, parties to such proceedings; and upon hearing, the court shall order a sale of the premises, or the completion of the contracts of sale so made by the assignor, the payment of incumbrances and the contingent dower interest of the wife or widow, subject to the proviso hereinafter contained, and determine the question involved

in regard to the title of same; and the proceeds of all the real estate so sold, after payment of heirs and incumbrances, and the contingent dower rights and interest of such wife or widow, as ordered by such court shall be reported to the probate court by the assignee, and disposed of as provided in this chapter; provided, that the provisions of section 6350 in relation to the wife of the assignor as a party to the proceedings thereunder and her rights by virtue thereof, and also the provisions of such section as to ordering property sold at private sale, and upon terms of credit, shall apply to proceedings under this section; but nothing in this section, nor section 6350, shall be so construed as in any way to impair the right of homestead exemptions, or the right of an allowance in lieu of homestead exemptions, or the mode provided by law for enforcing such rights. And provided further, that nothing in this section, or in this chapter, shall be so construed as in any way to take away or limit the jurisdiction of any court of record in which any action to foreclose a mortgage, to quiet title or in any way affecting the title or possession of all or any part of the real estate assigned is pending, at date of the assignment, but in said action the assignee may be made a party, with right to defend, and to have such decrees, orders or judgments made as may be necessary for the proper administration of his trust in any surplus remaining after payment of liens thereon which have been asserted in said pending action.

Disposition of proceeds of sale.

Application of preceding section.

Homestead exemptions.

Jurisdiction of court not limited in action to foreclose mortgage, quiet title, etc.

SECTION 2. That section 6351, as passed May 19, 1886 (O. L., vol. 83, page 236), be and the same is hereby repealed. This act shall take effect and be in force from and after its passage.

Repeals, etc.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed April 19, 1898.

111G

[Senate Bill No. 351.]

AN ACT

To supplement section number 4514 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4514 of the Revised Statutes be supplemented as follows:

Sec. 4514a. When a ditch or improvement is proposed, which will require a location in more than one township, application shall be made to the trustees of each of said townships, and the surveyor shall make a report for each township. Application for compensation and damages shall be made to the joint board of trustees when in

Township ditches:

Joint township ditches; application; surveyors' report.

Compensation and damages; appeals from

trustees'
findings.

Notice by town-
ship clerk; joint
session of
trustees.

Clerk of joint
board and duties.

Laws applicable
to joint town-
ship ditches.

Cleaning out of
ditch; appoint-
ment of trustees
to examine
report.

joint session, and appeals from the finding of the trustees when in joint session, locating and establishing such ditch, and from the assessment of compensation or damages shall be taken to the probate court of the county in the same manner as appeals are now allowed, and if said ditch or improvement is located in more than one county then such appeal shall be taken to the probate court of the county in which the greatest length of such ditch or improvement is located, and upon the filing of such petition the township clerk shall give notice to the trustees of all the townships through which said ditch passes, fixing a time and place where and when such trustees shall meet in joint session, and the trustees of such townships shall meet in joint session at the time and place so fixed, and a majority of the trustees of each township, when in joint session, shall be competent to locate and establish such ditch or improvement, but no trustee shall serve in any case in which he is personally interested, and all laws in force as to the location and establishment of township ditches shall apply to the proceedings had by and before said joint board; provided further, that the said joint board when in session at their first meeting upon said ditch shall select one of the clerks of such townships to act as clerk of such joint board, who shall keep the record of all proceedings had by said joint board upon said ditch or improvement; and, provided further, that any and all laws now in force, or that may be hereafter enacted providing for the cleaning out of township ditches, shall be applicable to joint township ditches located and established under this act, and the trustees, when in joint session at their first meeting held after a statement in writing for the cleaning out has been filed, shall appoint one of their number from each township through which such joint ditch is established and located to examine and report as to the necessity of cleaning out such joint ditch, and said trustees so appointed shall file their report with the clerk of such joint board, and thereupon such proceedings shall be had as is authorized by law for the cleaning out of township ditches.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 19, 1898.

112G

[Senate Bill No. 249.]

AN ACT

Making appropriations to reëquip company G, and hospital corps, of the seventeenth infantry, and battery G, first artillery, Ohio national guard, and for the relief of officers and members of said organizations.

WHEREAS, On the second day of November, 1897, the armory of company G, and a section of the hospital corps, seventeenth infantry, battery G, first artillery, Ohio national guard, was destroyed by fire, and the organizations named lost the greater portion of their equipment and company property, and certain officers and men lost a portion of their uniforms and equipments, which was their private property, aggregating in all the sum of \$665.75; therefore,

Preamble:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated, out of any moneys in the treasury to the credit of the general revenue fund, not otherwise appropriated, the sum of six hundred and sixty-five dollars and seventy-five cents (\$665.75), for the relief of said organizations, and the officers and men thereof; said sum to be apportioned in accordance with the report of a board of survey heretofore appointed by the governor.

Appropriation
for relief of
certain military
organizations.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 19, 1898.

113G

[Senate Bill No. 178.]

AN ACT

To provide for the relief of Joseph T. Garvin, member of the Ohio national guard, injured by the premature explosion of cannon.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the auditor of the state of Ohio be, and he is hereby authorized and required to issue his warrant on the state treasurer to pay to Joseph T. Garvin, of Youngstown, Ohio, out of the general revenue fund not otherwise appropriated, two thousand dollars, for his relief on account of injuries sustained by him by the premature explosion of a cannon on the 17th day of September, 1879, while in the line of his duty as private of the 2d Ohio battery, Ohio national guard, in firing a salute for the president of the United States, which sum shall be in full pay-

Warrant in
favor of Joseph
T. Garvin.

ment of all claims against the state by reason of such injury.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed April 19, 1898.

114G

[Senate Bill No. 32.]

AN ACT

To supplement section 3793 of the Revised Statutes of Ohio.

Religious and
other societies:

Consolidation of
charitable or
benevolent asso-
ciations.

Agreement to
be submitted to
the members of
separate organi-
zations.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3793 of the Revised Statutes of Ohio be supplemented as follows:

Sec. 3793a. When two or more charitable or benevolent associations, societies or organizations now or hereafter formed or incorporated by or under any law of this state for charitable or benevolent purposes, desire to be consolidated or united as a single corporation, or when two or more charitable or benevolent associations, societies or organizations, one or more of which is, or may hereafter be, incorporated under the law of this state for charitable or benevolent purposes, desire to be consolidated or united as a single corporation, the trustees, directors or other known and legal representatives, or governing body or bodies, of such associations, societies or organizations may enter into an agreement for such union or consolidation and prescribe the terms and conditions thereof, the corporate name of such united association, society or organization, which may be the name of either one of them, or an entirely new name, the time and place for the first meeting of the new corporation, the number of members of one or more or of each separate branch or organization who shall be chosen as directors, trustees, or other officers of the new corporation to succeed to the rights, trusts, duties and obligations of those officers who in either or any of the separate organizations held in trust the estate, real and personal, of such separate association, society or organization, with such other estates as they may deem necessary to complete the new corporation; but an agreement so made shall not be valid until it has been submitted to a separate meeting of the members of each of said associations, societies or organizations, of which due and full notice has been given according to the form and usage for calling meetings of each of said associations, societies or organizations, and ratified by a two-thirds vote of all the members present at such meeting,

in person or by proxy, and entitled to vote according to the laws, regulations or usages of such associations, societies, organizations or corporations, respectively.

Sec. 3793b. When such agreement has been ratified by each association, society, organization or corporation which is a party to the proposed united organization, the clerk or secretary of each meeting shall certify the record of the proceedings thereof, and deliver the same to the clerk or secretary of the first meeting of the united association, society, organization or corporation, as herein provided and as specified in the terms of agreement.

Record of ratification of agreement.

Sec. 3793c. At the first meeting of the united association, society, organization or corporation, each member of each of said associations, societies, organizations or corporations shall be entitled to vote, and, if at such meeting the proceedings and acts of the several associations, societies, organizations or corporations, parties thereto, are submitted to and approved by the meeting, and a board of trustees, directors or other officers are chosen, in accordance with the terms of agreement, the clerk or secretary of the meeting shall certify such approved agreement or terms of union and file the same in the office of the secretary of state, whereupon the several associations, societies, organizations or corporations, parties thereto, shall be deemed and taken to be one corporation under the name by it adopted, possessing within this state all the rights, privileges and franchises, and subject to all the restrictions, disabilities and duties of such new corporation.

Each member of separate associations entitled to vote; approval of proceedings, etc.

Agreement of consolidation to be filed with secretary of state.

Sec. 3793d. Any of the acts provided for by section 3793c which shall not be performed or perfected at such first meeting may be performed and perfected at any subsequent or adjourned meeting of such united corporation.

Unperformed acts at first meeting may be perfected subsequently.

Sec. 3793e. The certificate to the secretary of state provided for by section 3793c shall be by him recorded, and a copy duly certified by him shall be recorded in the office of the recorder of deeds of the county where such corporation exists and may be recorded in the office of the recorder of deeds of any county where any real estate lies belonging to any of said associations, societies, organizations or corporations entering into said union, and a certified copy by the recorder of either county in whose office the same is recorded, or a copy certified by the secretary of state of the record in his office, shall be prima facie evidence of the existence of such corporation.

Recording of certificate of agreement.

Evidence of corporate existence.

Sec. 3793f. Such united corporation shall be authorized to adopt a constitution, by-laws and rules not inconsistent with the laws of the state of Ohio, and to amend the same from time to time under such provisions for such amendment as it may at any time adopt.

Constitution, by-laws and rules.

Sec. 3793g. All the various associations, societies, organizations or corporations entering into such union shall be merged in said united body and the new corporation

Rights, powers and privileges of new corporation.

with its officers and chosen directors, trustees or other representatives shall succeed to, and be vested with, all and singular, the right, title and interest in and to every species of property, real, personal and mixed, and all and singular the rights, privileges and franchises held by or vested in each of the said associations, societies, organizations or corporations, parties to the agreement, without any other act, conveyance or transfer, and such new corporation shall hold and enjoy the same with all the rights pertaining to such property, franchises and trusts, and shall be subject to all the debts, liabilities and obligations in the same manner and to the same extent as any or either of the associations, societies, organizations or corporations, parties to the new corporation.

Property held in trust to be governed by original terms.

Sec. 3793*h*. All and any real estate or other property, vested or held by either of said associations, societies or organizations or corporations under any trust or terms governing the grant, shall continue to be subject to such trust and controlled by the original terms under which such real estate or property became vested in or entrusted to the parties to the union.

Petition for conveyance of real estate; order of court; decree to serve as conveyance.

Sec. 3793*i*. The united corporation may, at the request of a majority of its members, or by act of its trustees, directors or other governing body, in its corporate name petition the court of common pleas of the proper county, setting forth the fact of such union, and the court may in its discretion make an order requiring such officers to convey to such new corporation the real estate owned and held by the parties to the union, as the court may direct, and, if any of such officers refuse or neglect to obey such order, the decree of the court shall serve as such conveyance, but such order shall in no case be inconsistent with the original terms under which such real estate became vested in, or entrusted to, the parties to the union; and in all cases the grantors of such real estate, to such parties, or their heirs, or such other parties as the petitioners may deem advisable, may be made defendants to such petition, and such of the defendants who shall make no defense shall not be subject to costs.

Defendants to petition.

Notice of petition by publication.

Sec. 3793*j*. Notice of the pendency of such petition shall be given by publication in a newspaper published in the county where the petition is filed for four consecutive weeks, setting forth the object and prayer of the petition, and, if no newspaper is printed in such county, publication shall be made in the newspaper published nearest to such county.

Subsequent union of associations, etc., with corporation.

Sec. 3793*k*. Subsequent to the creation of the united corporation under the provisions of sections 3793*a* to 3793*j*, inclusive, any one or more associations, societies, organizations or corporations of like character, may at any time unite with and become a part of said corporation in accordance with the provisions of said sections.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 19, 1898.

115G

[Senate Bill No. 482.]

AN ACT

To supplement section 2505a, as amended April 22, 1896.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2505e be enacted as supplementary to section 2505a of the Revised Statutes of the state of Ohio, as amended April 22, 1896, as hereinafter set forth, to wit:

Railways in corporate limits:

Sec. 2505e. Any corporation or company maintaining and operating a street railroad may lease or purchase all the property, real, personal and mixed, and all the franchises, rights and privileges of any company organized prior to the date of the enactment of this supplementary act, for the purpose of supplying electricity for power and light purposes, or which has been engaged in such business in whole or in part in any city within this state, the latter being hereby vested with corresponding power to let or sell, upon such terms and conditions as may be agreed upon between the corporation and company. No such lease or purchase shall be perfected until a meeting of the stockholders of each of the companies has been called for that purpose by the directors thereof, on thirty (30) days' notice to each stockholder at such time and place and in such manner as is provided for the annual meetings of the companies and the holders of at least two-thirds of the stock of each company in person or by proxy, at such meeting, or at any properly adjourned meeting assent thereto. Provided, that any stockholder who refuses to assent to such lease or sale and so signifies by notice in writing to the lessee or purchaser within ninety (90) days thereafter, shall be entitled to demand and receive compensation in the manner provided for the compensation of stockholders in sections 3302, 3303 and 3304 of the Revised Statutes and the said sections are adopted and made a part of this section. Any such company so leasing or purchasing the property, rights and franchises of an electric light and power company shall have all the rights, power and authority that electric light and power companies now have, or may hereafter have, by the statutes of this state,

Street railway company may lease or purchase property and franchises of electric light and power company.

Stockholders' meeting to perfect lease or purchase.

Dissenting stockholder.

Powers of purchasing company.

Lease or sale
does not affect
liability of light
and power com-
pany.

but the liability of any electric light and power company shall in no manner be affected by its lease or sale as herein provided.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 19, 1898.

116G

[Senate Bill No. 108.]

AN ACT

To amend section 5981 of the Revised Statutes of Ohio, as amended April 12, 1892.

Wills:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 5981 of the Revised Statutes, as amended April 12, 1892, be and the same is hereby amended so as to read as follows:

Trustee ap-
pointed by will
must give bond.

Discretionary
powers of court
as to bond.

When court may
require new or
additional bond.

Repeals, etc.

Sec. 5981. Every trustee appointed in any will shall, before entering upon the discharge of his duty as such trustee, execute a bond with freehold sureties, payable to the state, in the probate court of the county in which any such will may be admitted to probate, to the satisfaction of said court, conditioned for the faithful discharge of his duties as such trustee; provided, that when by the terms of any will, the testator shall express a wish that his trustee may execute the trust without giving bond, the court admitting the will to probate may, at its discretion, grant permission to the trustee to execute the trust with or without bond, as may seem expedient, and when granted without bond, the court may, at any subsequent period, upon the application of any party interested, require bond to be given; and, provided further, that the court upon the application of any party interested may, if deemed necessary, require a new or additional bond at any time before the completion of the trust.

SECTION 2. That said original section 5981, as amended April 12, 1892, be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

HARRY G. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 19, 1898.

117G

[Senate Bill No. 237.]

AN ACT

To amend section 6494 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6494 of the Revised Statutes be amended so as to read as follows:

Sec. 6494. The constable shall deliver the property attached to the person in whose possession it was found, upon the execution by such person, in the presence of the constable, of an undertaking to the plaintiff, with one or more sufficient sureties resident in the county, to the effect that the parties to the same are bound, in double the appraised value thereof, that the property or its appraised value in money shall be forthcoming to answer the judgment of the court in the action; but if it shall appear to the court that any part of said property has been lost or destroyed by unavoidable accident, the value thereof shall be remitted to the person or persons so bound. Provided, that in any case the defendant may make a motion before the justice of the peace to dissolve the attachment, or release the property, money, or credits attached or garnished, either or both; which if overruled may be appealed by the defendant to the court of common pleas, if in session, or to a judge thereof in vacation, by giving notice to that effect to the justice of the peace, but no bond shall be required. Upon such notice of appeal being given, the justice of the peace shall forthwith transmit to the clerk of the court of common pleas all the original papers; and thereupon within three days from such notice of appeal, or upon such further time as may be for good cause allowed, said court or judge shall hear and determine said motion in the same manner as though it was originally brought in said court of common pleas, and upon the final hearing said court or judge shall forthwith transmit the judgment with said original papers to said justice of the peace, which judgment shall be entered upon the docket of said justice of the peace as the final determination of said motion; and said attachment property, moneys and credits shall be disposed of as directed in said judgment.

Sec. 6494a. That said original section 6494 be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 19, 1898.

118G

Commencement
of actions, etc.:How property
discharged from
attachment.Lost or de-
stroyed prop-
erty.Defendant may
make motion
to dissolve at-
tachment, etc.Appeal to com-
mon pleas
court.Transmittal of
original papers
to clerk of court;
hearing and de-
termination of
motion.

Repeals, etc.

[Senate Bill No. 29.]

AN ACT

To set apart Lewistown reservoir as a public lake.

Lewistown reservoir dedicated as a public lake to be known as Indian lake.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the body of water known as the Lewistown reservoir, situated in the county of Logan, contained within the metes and bounds of the land owned by the state, be, and the same is hereby dedicated and set apart forever as a public lake, to be known by the name of Indian lake. Provided that in the event of the abandonment, leasing or selling of that portion [of] the Miami and Erie canal, connected with the reservoir, all the lands embraced in said reservoir shall be sold by the state, except such portions of said reservoir as were embraced in the original lake or lakes.

Public pleasure resort; hunting, fishing, etc.

SECTION 2. The said Indian lake shall at all times be open to the public as a resort for recreation and pleasure including the privilege of hunting and shooting, fishing and boating; provided, that nothing in this section shall be construed so as to permit hunting and shooting and fishing during a close season, as provided by the statutes of the state; provided further, that nothing in this act shall be construed as interfering in any manner with existing leases or any part of said reservoir or of the land or any part thereof connected therewith.

Destruction, injury or disturbing of property or pets prohibited.

SECTION 3. No person shall destroy, injure or disturb any tree, plant, lawn or other property, or decoration upon any of the islands, within the boundary of said lake, nor kill, injure or disturb any water-fowl, water-animal, bird or game placed within the boundary lines of the lake or semi-domestic pets by donation or purchase.

Penalty.

SECTION 4. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall be fined as provided in section sixty-nine hundred and sixty-eight.

Lake to continue as a reservoir for canal purposes.

SECTION 5. The dedication and use of said reservoir as a public lake shall in no wise interfere with or affect and the same shall be subject to, the use of the said reservoir for canal purposes.

Control and supervision of lake.

SECTION 6. That said Lewistown reservoir, now to be known as Indian lake, shall be, so far as the protection of fish and game is concerned, under the supervision and control of the commissioners of fish and game, and said commissioners shall appoint a fish and game warden for said Indian lake, as now provided by law.

SECTION 7. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 19, 1898.

119G

[Senate Bill No. 336.]

AN ACT

To define trust and to provide for criminal penalties and civil damages, and punishment of corporations, persons, firms and associations, or persons connected with them, and to promote free competition in commerce and all classes of business in the state.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That a trust is a combination of capital, skill or acts by two or more persons, firms, partnerships, corporations or associations of persons, or of any two or more of them for either, any or all of the following purposes:

Trust defined.

1. To create or carry out restrictions in trade or commerce.
2. To limit or reduce the production, or increase, or reduce the price of merchandise or any commodity.
3. To prevent competition in manufacturing, making, transportation, sale or purchase of merchandise, produce or any commodity.
4. To fix at any standard or figure, whereby its price to the public or consumer shall be in any manner controlled or established, any article or commodity of merchandise, produce or commerce intended for sale, barter, use or consumption in this state.
5. To make or enter into or execute or carry out any contracts, obligations or agreements of any kind or description, by which they shall bind or have bound themselves not to sell, dispose of or transport any article or any commodity or any article of trade, use, merchandise, commerce or consumption below a common standard figure or fixed value, or by which they shall agree in any manner to keep the price of such article, commodity or transportation at a fixed or graduated figure, or by which they shall in any manner establish or settle the price of any article, commodity or transportation between them or themselves and others, so as to directly or indirectly preclude a free and unrestricted competition among themselves, or any purchasers or consumers in the sale or transportation of any such article or commodity, or by which they shall agree to pool, combine or directly or indirectly unite any interests

that they may have connected with the sale or transportation of any such article or commodity, that its price might in any manner be affected. Every such trust as is defined herein is declared to be unlawful, against public policy and void.

Suit against offending corporation or association for forfeiture of charter; duty of attorney-general and prosecuting attorney.

SECTION 2. For a violation of any of the provisions of this act by any corporation or association mentioned herein, it shall be the duty of the attorney-general, or the prosecuting attorney of the proper county, to institute proper suits or quo warranto proceedings in the court of competent jurisdiction in any of the county seats in the state where such corporation or association exists or does business, or may have a domicile. And when such suit is instituted by the attorney-general in quo warranto, he may also begin any such suit in the supreme court of the state, or the circuit court of Franklin county, for the forfeiture of its charter rights, franchises or privileges and powers exercised by such corporation or association, and for the dissolution of the same under the general statutes of the state.

Prohibition against offending foreign corporation; duty of attorney-general.

SECTION 3. Every foreign corporation, as well as any foreign association, exercising any of the powers, franchises or functions of a corporation in this state, violating any of the provisions of this act, is hereby denied the right and prohibited from doing any business in this state, and it shall be the duty of the attorney-general to enforce this provision by bringing proper proceedings in quo warranto in the supreme court, or the circuit court of the county in which defendant resides or does business, or other proper proceedings by injunction or otherwise. The secretary of state shall be authorized to revoke the certificate of any such corporation or association heretofore authorized by him to do business in this state.

Secretary of state to revoke certificate.

Conspiracy against trade; penalty against person engaged therein.

SECTION 4. Any violation of either or all of the provisions of this act shall be and is hereby declared a conspiracy against trade, and any person who may become engaged in any such conspiracy or take part therein, or aid or advise in its commission, or who shall as principal, manager, director, agent, servant or employer, or in any other capacity, knowingly carry out any of the stipulations, purposes, prices, rates, or furnish any information to assist in carrying out such purposes, or orders thereunder or in pursuance thereof, shall be punished by a fine of not less than fifty (\$50) dollars nor more than five thousand (\$5,000) dollars, or be imprisoned not less than six months nor more than one year, or by both such fine and imprisonment. Each day's violation of this provision shall constitute a separate offense.

What indictment to contain.

SECTION 5. In any indictment for any offense named in this act, it is sufficient to state the purpose or effects of the trust or combination. And that the accused is a member of, acted with or in pursuance of it, or aided or assisted

in carrying out its purposes, without giving its name or description, or how, when and where it was created.

SECTION 6. In prosecutions under this act, it shall be sufficient to prove that a trust or combination, as defined herein, exists, and that the defendant belonged to it, or acted for or in connection with it, without proving all the members belonging to it, or proving or producing any article of agreement, or any written instrument on which it may have been based; or that it was evidenced by any written instrument at all. The character of the trust or combination alleged may be established by proof of its general reputation as such.

Evidence.

SECTION 7. Each and every firm, person, partnership, corporation or association of persons, who shall in any manner violate any of the provisions of this act, shall for each and every day that such violations shall be committed or continued, after due notice given by the attorney-general or any prosecuting attorney, forfeit and pay the sum of fifty (\$50) dollars, which may be recovered in the name of the state, in any county where the offense is committed, or where either of the offenders reside; and it shall be the duty of the attorney-general, or the prosecuting attorney of any county on the order of the attorney-general, to prosecute for the recovery of same. When the action is prosecuted by the attorney-general against a corporation or association of persons, he may begin the action in the circuit court of the county in which defendant resides or does business.

Penalty.

Duty of attorney-general and prosecuting attorney.

Where attorney-general may bring action.

SECTION 8. That any contract or agreement in violation of the provisions of this act, shall be absolutely void and not enforceable either in law or equity.

Illegal contract.

SECTION 9. That the provisions hereof shall be held cumulative of each other and of all other laws in any way affecting them now in force in this state.

Provisions cumulative.

SECTION 10. It shall not be lawful for any person, partnership, association or corporation, or any agent thereof, to issue or to own trust certificates, or for any person, partnership, association or corporation, agent, officer or employe, or the directors or stockholders of any corporation, to enter into any combination, contract or agreement with any person or persons, corporation or corporations, or with any stockholder or director thereof, the purpose and effect of which combination, contract or agreement shall be to place the management or control of such combination or combinations, or the manufactured product thereof, in the hands of any trustee or trustees with the intent to limit or fix the price or lessen the production and sale of any article of commerce, use or consumption, or to prevent, restrict or diminish the manufacture or output of any such article, and any person, partnership, association or corporation that shall enter into any such combination, contract or agreement for the purpose aforesaid shall

Unlawful to own trust certificates or enter into combination.

Penalty.

be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not less than fifty dollars, nor more than one thousand dollars.

Injury to business or property of another; suit for damages.

SECTION 11. In addition to the criminal and civil penalties herein provided, any person who shall be injured in his business or property by any other person or corporation or association or partnership, by reason of anything forbidden or declared to be unlawful by this act, may sue therefor in any court having jurisdiction thereof in the county where the defendant resides or is found, or any agent resides or is found, or where service may be obtained, without respect to the amount in controversy, and to recover two-fold the damages by him sustained, and the costs of suit. Whenever it shall appear to the court before which any proceedings under this act may be pending, that the ends of justice require that other parties shall be brought before the court, the court may cause them to be made parties defendant and summoned, whether they reside in the county where such action is pending, or not.

Who may be made parties defendant.

Definition of terms.

SECTION 12. The word "person" or "persons," whenever used in this act, shall be deemed to include corporations, partnerships and associations existing under or authorized by the state of Ohio, or any other state, or any foreign country.

When act takes effect.

SECTION 13. This act shall take effect and be in force from and after the first day of July, 1898.

HARRY C. MASON,
Speaker of the House of Representatives
ASAHEL W. JONES,
President of the Senate

Passed April 19, 1898.

120G

[Senate Bill No. 227.]

AN ACT

To amend sections 582, 583 and 584 of the Revised Statutes of Ohio

Justices of the peace:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 582, 583 and 584 of the Revised Statutes of Ohio be amended so as to read as follows:

Jurisdiction in general limited to townships.

Sec. 582. The jurisdiction of justices of the peace, in civil cases, unless otherwise directed by law, is limited to the township wherein they have been elected, and wherein they reside; but no justice of the peace shall hold court outside of the limits of the township for which he was elected.

Jurisdiction of justices in particular cases.

Sec. 583. Justices of the peace within and co-extensive with their respective counties shall have jurisdiction and authority:

1. To administer an oath, authorized or required by law to be administered.

2. To take the acknowledgments of deeds, mortgages, and other instruments of writing.

3. To solemnize marriages.

4. To issue subpoenas for witnesses and coerce their attendance in causes or matters pending before them, or other cause or matter wherein they are required to take depositions.

5. To try the action of forcible entry and detention or the detention only of real property, except in counties containing a city of the second grade of the first class, or a city of the first grade, second class, the jurisdiction and authority of justices in such cases is limited to the township for which they were elected.

Exceptions as to
Cuyahoga and
Franklin
counties.

6. To proceed against security for costs and bail for the stay of execution on their dockets.

7. To issue attachments and proceed against the goods and effects of debtors in certain cases, except in counties containing a city of the second grade of the first class, or of the first grade, second class, the jurisdiction and authority in such cases is co-extensive only with the township for which the justice was elected, but when said justice has jurisdiction of the defendant because he resides in the township for which said justice was elected or otherwise as provided in section 584 of the Revised Statutes, the jurisdiction of the justice in attachment shall be co-extensive with the county.

Exceptions as to
Cuyahoga and
Franklin
counties.

8. To issue executions on judgments rendered by them.

9. To proceed against constables failing to make return, making false return, or failing to pay over money collected on execution issued by such justice.

10. To try the right of the claimant to property taken in execution or attachment.

11. To act in the absence of the probate judge in the trial of contested elections of justices of the peace.

12. To try actions against other justices of the peace for refusing or neglecting to pay over moneys collected in their official capacity, where the amount claimed does not exceed one hundred dollars; but nothing in this clause shall be held to deny or impair any remedy provided by law in such case by suit on the official bond of such justice of the peace, or by amercement or otherwise, for such neglect or failure to pay over money collected as aforesaid.

Sec. 584. No householder or freeholder resident of the county shall be held to answer a summons issued against him by a justice in a civil matter in any township of such county other than the one where he resides, except as otherwise provided by section five hundred and eighty-three, and in the cases following:

Who to be sued
in township of
non-residence;
exceptions.

First. Where there is no justice of the peace for the township in which the defendant resides.

Second. Where the only justice residing therein is interested in the controversy.

Third. Where he is related as father, father-in-law, son, son-in-law, brother, brother-in-law, guardian, ward, uncle, nephew, or cousin, to either of the parties, and there is no justice in the township competent to try the cause in the foregoing excepted cases, the action may be brought before any justice of an adjoining township of the same county, and the justice shall state on his docket the reason for his taking jurisdiction.

Exceptions as to
Cuyahoga and
Franklin
counties.

Fourth. Where the summons is accompanied with an order to attach property the jurisdiction is co-extensive with the county, except in counties containing a city of the second grade of the first class, or of the first grade, second class, the jurisdiction is co-extensive only with the township for which the justice was elected, unless jurisdiction of the defendant is otherwise obtained as provided elsewhere in this section.

Fifth. Where two or more persons are jointly, or jointly and severally, bound in any debt or contract, or otherwise jointly liable for the same action, and reside in different townships of the same county, the plaintiff may commence his action before a justice of the township in which any of the persons liable reside, but in joint actions against the makers and endorsers of notes, due bills, or bills of exchange, the action must be commenced in the township claimed by the plaintiff that an endorser endorsed the note or bill at the time it was made, and the jurisdiction depends thereon, before the justice takes jurisdiction, the plaintiff, or some person for him, shall file an affidavit setting forth the fact.

Sixth. In cases of trespass to real or personal property, it shall be lawful to bring the action in the township where the trespass was committed, or in the township where the trespasser, or any one of the several trespassers, reside.

Repeals, etc.

SECTION 2. That said original sections 582, 583 and 584 of the Revised Statutes of Ohio are hereby repealed, and this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 19, 1898.

121G

[House Bill No. 382.]

AN ACT

To repeal section 6959 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6959 of the Revised Statutes of Ohio, be and the same is hereby repealed. Repeals, etc.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 21, 1898.

122G

[House Bill No. 595.]

AN ACT

To amend section 1951 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1951 be amended so as to read as follows:

Police boards
and officers:

Sec. 1951. The director of police, whenever he sees fit, may, on the application of any person who shows the necessity thereof, or on the application of any special police company incorporated under the laws of the state of Ohio for the purpose of doing night and day watching and special police service, appoint any number of additional patrolmen to do duty at any place within the city, at the charge and expense of the person by whom the application is made, and the patrolmen so appointed after being sworn shall be subject to the orders of the director of police, and shall obey the rules and regulations of said director, and conform to his general discipline, and to such other special regulations as may be made, and such special police so appointed by the said director shall wear such dress or emblem as the director of police may direct, except that such uniforms or emblems shall not be the same as worn or adopted by the regular police. During the time of their holding such appointment they shall possess all the powers and privileges and perform all the duties of the regular police force herein prescribed; provided, that the party so appointed shall first pay into the trust fund hereinbefore provided for the sum of ten dollars for each special patrolman thus appointed, and they shall give a bond in the same manner as the regular patrolmen in the sum of five hundred dollars for each special patrolman

Patrolmen for
special duties in
Cleveland; how
appointed.

Powers, privi-
leges and duties.

Deposit and
bond.

Previous dismissal bar to appointment.

Removals.

Repeals, etc.

thus appointed. The director of police shall not appoint any person as special policeman who has been dismissed from the fire or police department or any incorporated special police company for a period of one year from time of said dismissal. The director of police shall not grant a commission to any person to perform special police duty in more than one place, such as a hall, garden, theatre or any other place of amusement, or night-watching beat, unless said special policeman be the regularly detailed patrolman or officer in the actual service of a special police company incorporated under the laws of the state of Ohio, and provided further, that the person so appointed may be removed at any time by the director of police without assigning cause therefor, and the director of police shall revoke the commission of any special policeman when just complaint is filed against same, and the person or persons whose commissions are so revoked for any violations of the above regulations shall not be eligible for reappointment for a period of one year from the time said commission or commissions are revoked.

SECTION 2. Said original section 1951 is hereby repealed, and this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 21, 1898.

123G

[House Bill No. 503.]

AN ACT

To amend section 712 of the Revised Statutes of Ohio.

Asylums for the insane:

Proceedings when a person becomes again insane.

Repeals, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 712 of the Revised Statutes of Ohio be so amended as to read as follows:

Sec. 712. When a person, discharged from an asylum for the insane as cured, again becomes insane before such person can again be admitted to an asylum for the insane, the same proceedings shall be had as in case of an original application for the admission of patients to an asylum, as provided in sections 702, 703, 704 and 705 of the Revised Statutes of Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage, and original section number 712 be and the same is hereby repealed.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 21, 1898.

124G

[House Bill No. 800.]

AN ACT

To amend section 1369 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1369 of the Revised Statutes of Ohio be so amended as to read as follows:

Original surveyed townships:

Terms of office and subsequent election.

Sec. 1369. The trustees and treasurer shall hold their offices for three years, and a like election shall be held every third year, of which the trustees shall give fifteen days previous notice as aforesaid, and they failing so to do, any elector may at any time thereafter, by like notice, call an election. Provided, however, that in all counties having at the last federal census a population of not less than 17,566 nor more than 17,570, if said trustees shall at any time fail to give said fifteen days' notice as aforesaid, then the county auditor shall appoint from among the electors of such township three trustees and one treasurer, who shall hold their offices for the same term and perform the same duties and have the same powers as if elected as aforesaid.

Carroll county.

SECTION 2. Said section 1369 of the Revised Statutes be and the same is hereby repealed and this act shall take effect and be in full force from and after its passage.

Repeals, etc.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 21, 1898.

125G

[House Bill No. 512.]

AN ACT

To amend section 670 of the Revised Statutes of Ohio, relative to compensation of officers and employes of the blind asylum.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 670 of the Revised Statutes of Ohio be amended so as to read as follows:

Institution for the blind:

Sec. 670. Compensation shall be paid the following named officers and employes, not exceeding the sums herein stated: To the matron four hundred dollars per year, to the assistant matrons three hundred dollars each per year, the housekeeper three hundred dollars per year, the senior teacher in the literary department eight hundred dollars per year, the second senior teacher in the literary department seven hundred dollars per year, all other teachers in the literary department four hundred and fifty dollars each per year, the professor of music one thousand

Compensation of officers and employes.

dollars per year, one teacher of music in primary grade for boys five hundred dollars per year, two teachers of music five hundred dollars per year, all other teachers of music three hundred dollars each per year, the teacher of bead work one hundred and fifty dollars per year, the foreman of broom shop six hundred dollars per year, and the engineer one thousand dollars per year; but the teachers residing and boarding outside said institution may be paid in addition to the foregoing not to exceed five dollars per week in lieu of such board and residence during the time of actual service, as teachers, out of the current expense fund of said institution.

Repeals.

SECTION 2. That said original section 670 of the Revised Statutes of Ohio is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,

Speaker of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed April 21, 1898.

126G

[House Bill No. 136.]

AN ACT

To amend section 2966—6 of the Revised Statutes of Ohio as amended April 10, 1896 (92 vol. O. L., 146).

Conduct of elections. SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 6 of an act, commonly known as the ballot act, be amended so as to read as follows:

Appointment of judges and clerks.

Presiding judge.

Terms.

Apportionment.

Vacancy.

Sec. 2966—6. At least ten days before any annual or general election, the deputy supervisors of each county shall, when vacancies exist, appoint, in all precincts in which the voters are not registered, four judges and two clerks of election, residents of the precinct, who shall constitute the election officers of such precinct; the deputy supervisors shall designate one judge in each precinct, who shall be selected from the dominant party in such precinct, as determined by the next preceding November election, to act as presiding judge. The terms of the judges and clerks shall cease and terminate at the end of one year from the date of their appointment, at which time, and annually thereafter, their successors shall be appointed to similar term of office, agreeably to the provisions of this act. Not more than two judges and not more than one clerk shall belong to the same political party. If a judge or clerk in any precinct shall fail to appear on the morning of election, the electors present shall, viva voce, choose a suitable person, having the qualifications of an elector, to fill the

vacancy from the political party to which the absent judge or clerk belonged. The judges and clerks shall each receive as compensation the sum of three (\$3) dollars for their services, which services shall be the receiving, recording, canvassing, and making an abstract of all the votes that may be delivered to them in the voting precinct in which they preside on each election day; provided, however, that in cities where registration is required, the compensation of judges and clerks of elections, shall remain as now fixed by law. The judges and clerks of elections, appointed as provided in this section, may be summarily removed from office by the board of deputy state supervisors at any time for neglect of duty, malfeasance or misconduct therein, and in all cases the last appointment to either of such offices for any precinct shall be recognized as valid. When any such officers have been removed and new appointments made, it shall be the duty of the board of deputy state supervisors to immediately send notice to the board of precinct officers. The presiding judge may be sworn by the clerk of the board or any member thereof, and may himself administer the oath to the other election officers of his ward, township, or precinct.

Compensation..

Removals.

Oath of election officers.

SECTION 2. That section 6 of an act, commonly known as the ballot act, amended April 10, 1896 (92 O. L., page 146), is hereby repealed, and this act shall take effect and be in force from and after May 1st, 1898.

Repeals, etc.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 21, 1898.

127G

[House Bill No. 557.]

AN ACT

To enable cemetery associations to convey to township trustees public burying grounds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever any public burying ground is located in any township and not under the control of any municipal corporation, the title or control of which is vested in any association or trustees thereof, such association, or the trustees thereof, may convey the same to the trustees of such township and their successors in office; and the trustees of such township shall accept the same and take possession thereof, and take care of and keep the same in repair, and hold, treat and manage the same in all respects as required by the statute relating to public burying grounds in and belonging to such township.

Cemetery association authorized to convey burying grounds to township trustees.

Acceptance by trustees.

Repeal of inconsistent provisions.

SECTION 2. That so much of section 1473 as is in conflict with the provisions of this act be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 21, 1898.

128G

[Senate Bill No. 89.]

AN ACT

For the better protection of trainmen employed on steam railroads.

Overhead wires;
how constructed.

Cross-arms.

Height of wires.

Duty of commissioner of
railroads and
telegraphs.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That hereafter all telegraph, telephone, electric light or other wires of any kind constructed over the line of any steam railroad within the state of Ohio shall be put up on good substantial poles of a size not less than twelve inches in diameter at the bottom and not less than six inches in diameter at the top and that they be set in the earth not less than one-sixth of their length and well tamped. Double cross-arms shall be used in all cases and all wires shall be insulated with glass or porcelain insulators, and securely fastened to both cross-arms. All wires to clear the top of the rails at least twenty-five feet, except in cases of trolley wire crossings, when such height, as may be agreed upon, is approved by the commissioner of railroads and telegraphs shall govern. Where there is side-strain, poles shall be well guyed or braced.

SECTION 2. It shall be the duty of the commissioner of railroads and telegraphs to see that the provisions of this act are enforced and he shall have the power to cause the removal of any such telegraph, telephone, electric light or other wires hereafter constructed over any railroad within the state of Ohio not constructed according to the provisions of this act.

SECTION 3. This act shall take effect and be in force on and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 21, 1898.

129G

[House Bill No. 146.]

AN ACT

To define the construction of appliances for blowers for friction wheels, and to amend an act entitled "An act to create a better sanitary condition in workshops and factories where dust-creating machinery is used."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act entitled "An act to create a better sanitary condition in workshops and factories where dust creating machinery is used," passed April 17, 1896 (O. L., vol. 92, pages 186 and 187), be amended so as to read as follows:

Shops and factories.

Sec. 1. That all persons, companies or corporations operating any factory or workshop, where emery wheels or emery belts of any description are used, either solid emery, leather, leather covered, felt, canvas, linen, paper, cotton, or wheels or belts rolled or coated with emery or corundum, or cotton wheels used as buffs, shall provide the same with blowers, or similar apparatus, which shall be placed over, beside or under such wheels or belts in such a manner as to protect the person or persons using the same from the particles of the dust produced and caused thereby, and to carry away the dust arising from or thrown off by such wheels or belts while in operation, directly to the outside of the building, or to some receptacle place, so as to receive and confine such dust; provided, that grinding machines upon which water is used at the point of the grinding contact and small emery wheels that are used temporarily for tool grinding and small shops employing not more than one man at such work and do not create dust enough in the opinion of the inspector to be injurious to the operator, shall be exempt from the provisions of this act.

Blowers required in factory or workshop where dust-creating machinery used.

Exemptions.

Sec. 2. It shall be the duty of any person, company or corporation operating any such factory or workshop to provide or construct such appliances, apparatus, machinery or other things necessary to carry out the purpose of this act, as set forth in the preceding section, as follows: Each and every such wheel shall be fitted with a sheet or cast iron hood or hopper of such form and so applied to such wheel or wheels that the dust or refuse therefrom will fall from such wheels, or will be thrown into such hood or hopper by centrifugal force and be carried off by the current of air into a suction pipe attached to same hood or hopper.

Operator's duty to provide apparatus.

How wheels to be fitted.

Sec. 3. Each and every such wheel, six inches or less in diameter, shall be provided with a three-inch suction pipe; wheels six inches to twenty-four inches in diameter with four-inch suction pipe; wheels from twenty-four inches to thirty-six inches in diameter with five-inch suction pipe; and all wheels larger in diameter than those stated above

Branch suction pipes.

Main suction pipe.

shall be provided each with a suction pipe not less than six inches in diameter. The suction pipe from each wheel, so specified, must be full size to the main trunk suction pipe, and the main suction pipe to which smaller pipes are attached shall, in its diameter and capacity, be equal to the combined area of such smaller pipes attached to the same, and the discharge pipe from the exhaust fan, connected with such suction pipe or pipes, shall be as large, or larger, than the suction pipe.

Fans or blowers.

Sec. 4. It shall be the duty of any person, company or corporation operating any such factory or workshop to provide the necessary fans or blowers to be connected with such pipe or pipes, as set forth in this act, which shall be run at a rate of speed such as will produce a velocity of air in such suction or discharge pipes of at least nine thousand feet per minute to an equivalent suction or pressure of air equal to raising a column of water not less than five inches in a U-shaped tube. All branch pipes must enter the main trunk pipe at an angle of forty-five degrees or less; the main suction or trunk pipe shall be below the emery or buffing wheels, and as close to the same as possible, and to be either upon the floor or beneath the floor on which the machines are placed to which such wheels are attached. All bends, turns or elbows in such pipes must be made with easy, smooth surfaces, having a radius in the throat of not less than two diameters of the pipe on which they are connected.

Branch suction pipes to connect with main pipe; location of main pipe.

Duty of chief and district inspectors of workshops and factories.

Sec. 5. It shall be the duty of the chief inspector of workshops and factories to cause his district inspectors to inspect such workshops and factories in this state having and using such machinery as is named in this act, as often as he may deem advisable, and the district inspector shall have entry to such workshops and factories at all times when directed to make such inspection, and shall report to the chief inspector such violations as he may find, and the chief inspector shall notify the person or persons, company or corporation operating such workshop or factory to comply with the provisions of this act within thirty days after date of issuing order, which notification shall be in writing and may be served by the district inspector or mailed to the last known address of such person, persons, company or corporation, which service shall be deemed sufficient notice for the purpose of this act.

Notification by chief inspector.

Penalty for non-compliance.

Sec. 6. Any person, or persons, company or corporation, or agent having charge of or the management of such workshop or factory, failing to comply with the provisions of this act, and with such orders for changes as may be issued by the chief inspector, within thirty days after the same has been issued, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall be fined not less than fifty dollars nor more than one hundred dollars for each offense or imprisoned in the county jail not less than thirty days,

or both such fine and imprisonment, in the discretion of the court.

SECTION 2. That said original act entitled "An act to create a better sanitary condition in workshops and factories where dust-creating machinery is used," passed April 17, 1896 (O. L., vol. 92, pages 186 and 187), is hereby repealed, and this act shall take effect and be in force from and after its passage. Repeals, etc.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 21, 1898.

130G

[House Bill No. 372.]

AN ACT

To authorize township trustees to improve public highways and levy taxes therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of any township in the state of Ohio, wherein no other system of road improvement by macadamizing or graveling has heretofore been adopted and in use, be, and are hereby authorized to levy and assess upon the taxable property of their respective townships, a tax not exceeding four mills in any one year upon the dollar valuation of the taxable property of such township in addition to other taxes authorized by law, for the purpose of improving by macadamizing and graveling the public highways in such township, as may be deemed expedient or necessary by the board of trustees of such township, and for no other purpose. Public ways:
Levy for improvement of highways by township trustees.

SECTION 2. That the taxes authorized to be levied shall be placed by the county auditor upon the taxable property of the township, and collected by the county treasurer as other taxes, and when collected shall be paid to the township treasurer of the township from which the same was collected, and be under the control of the township trustees thereof, for the purpose of improving by macadamizing and graveling the public highways of such township. Collection of tax.

SECTION 3. The board of trustees shall designate the road or roads to be improved, which shall be, first, the main and leading road or roads of the township, and upon which the material can be most easily procured. The board of trustees after having determined which road or roads are to be improved, shall examine such road or roads and ascertain if the proposed road or roads are sufficiently graded and drained, and if such be not the case, they may take to their assistance a competent surveyor or engineer, Trustees to determine roads for improvement; powers of trustees.

Consolidation of districts.

whose duty it shall be to make, under the direction of the board of trustees, a survey and level of the road or roads as selected, fix the grade of the road or roads, and the grade and capacity of the drains on the sides thereof. The trustees shall cause to be constructed all necessary culverts on such road or roads, fix the width of the graveled, paved or macadamized track not less than nine feet nor more than sixteen feet, and the depth thereof not less than eight inches nor more than twelve inches in the center, and the slope from the center to the sides. The trustees may consolidate the road districts, through which any such proposed road improvement passes, and direct the supervisors of such road districts to work the two days' labor in such district in hauling the material, such as crushed stone or gravel upon such road. The work of hauling the material upon the road in such road district shall be under the supervision of the supervisor of such district, but be performed in such manner as shall be prescribed by the trustees.

Letting of work.

SECTION 4. A majority of the board of trustees shall be necessary to order the said road improvement, and the work of the construction, and the furnishing of the material for such road improvement shall be publicly let; excepting such work as may be done by the supervisors of the road district as herein provided. The contract for the material to be used in the construction of said road improvement, and the contracts for hauling said material upon the roads, shall be let separately.

Notice by publication; contract to be let to lowest bidder; bond.

SECTION 5. The trustees, after having given public notice of the time and place of such letting for at least two weeks, in a newspaper of general circulation in the township or county, or by hand-bills, or both, at the discretion of the board of trustees, specifying the kind and quality of the material, and the part of the road upon which the same is to be used, shall let the same to the lowest bidder, who shall give bond to the acceptance of the trustees. The trustees may accept donations of material or labor which may be offered by any person or persons for the benefit of any or all roads to be improved, and the road upon which the largest donation is offered shall be constructed first. The bids for the material and for the work of hauling the same shall be separately stated, and the trustees may reject any or all bids. The trustees shall examine and accept the work when completed, and ascertain the amount of material furnished under the provisions of this act, and if found in all respects correct, shall draw an order for the amount due for work, or for material furnished, upon the township treasurer, which shall be countersigned by the township clerk.

Donations.

Payment for work and material.

Overseer; compensation.

SECTION 6. The board of trustees may appoint one of their number, or some other suitable person, who shall oversee the work, and for services rendered under the provisions of this act, [and] they shall be entitled to receive, for each day actually employed, the sum of one dollar and

fifty cents per day, and the trustees shall provide for the township clerk a suitable book in which there shall be kept a complete record of the business transacted under the provisions of this act; and it is hereby made his duty to keep a full and complete record of the action of the board of trustees under this act, and the township clerk, for making such record, shall be entitled to receive ten cents per hundred words, and for all other services such reasonable compensation as may be allowed by the board of trustees.

Record to be kept by township clerk.

Duty of clerk: compensation.

SECTION 7. The fees of the township officers, the engineer, and the person who may be appointed by the board of trustees under the provisions of this act, shall be paid out of the township road fund. But before any payments shall be made for services rendered under the provisions of this act, the person entitled thereto shall make out and file with the township clerk, an itemized account of his services, whereupon the trustees shall, if they find the same correct, draw an order on the township treasurer, countersigned by the township clerk.

Expenses to be paid from road fund.

Itemized accounts.

SECTION 8. The roads graveled, paved or macadamized under the provisions of this act shall be free to the public travel, and shall be kept in repair by the trustees out of the funds that come into the township treasury from the county treasurer, as provided for in section one thousand four hundred and fifty-nine (1459) of the Revised Statutes of Ohio.

Roads to be free; repairs.

SECTION 9. This act shall take effect from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
131G

Passed April 21, 1898.

[House Bill No. 147.]

AN ACT

To amend and change the sectional numberings of "An act for the regulation of the manufacture of flour and meal food products."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the above named act, passed April 27, 1896 (O. L., vol. 92, pages 393 and 394), be amended so as to read as follows:

Labor:

Sec. 1. All buildings or rooms occupied as biscuit, bread or cake bakeries shall be drained and plumbed in a manner to conduce to the proper healthful and sanitary condition thereof, and constructed with air-shafts, windows or ventilating pipes, sufficient to insure ventilation, such

Drainage, plumbing and ventilation of bakeries.

Consolidation of districts.

Letting of work.

Notice by publication; contract to be let to lowest bidder; bond.

Donations.

Payment for work and material.

Overseer; compensation.

whose duty it shall be to make, under the direction of the board of trustees, a survey and level of the road or roads as selected, fix the grade of the road or roads, and the grade and capacity of the drains on the sides thereof. The trustees shall cause to be constructed all necessary culverts on such road or roads, fix the width of the graveled, paved or macadamized track not less than nine feet nor more than sixteen feet, and the depth thereof not less than eight inches nor more than twelve inches in the center, and the slope from the center to the sides. The trustees may consolidate the road districts, through which any such proposed road improvement passes, and direct the supervisors of such road districts to work the two days' labor in such district in hauling the material, such as crushed stone or gravel upon such road. The work of hauling the material upon the road in such road district shall be under the supervision of the supervisor of such district, but be performed in such manner as shall be prescribed by the trustees.

SECTION 4. A majority of the board of trustees shall be necessary to order the said road improvement, and the work of the construction, and the furnishing of the material for such road improvement shall be publicly let; excepting such work as may be done by the supervisors of the road district as herein provided. The contract for the material to be used in the construction of said road improvement, and the contracts for hauling said material upon the roads, shall be let separately.

SECTION 5. The trustees, after having given public notice of the time and place of such letting for at least two weeks, in a newspaper of general circulation in the township or county, or by hand-bills, or both, at the discretion of the board of trustees, specifying the kind and quality of the material, and the part of the road upon which the same is to be used, shall let the same to the lowest bidder, who shall give bond to the acceptance of the trustees. The trustees may accept donations of material or labor which may be offered by any person or persons for the benefit of any or all roads to be improved, and the road upon which the largest donation is offered shall be constructed first. The bids for the material and for the work of hauling the same shall be separately stated, and the trustees may reject any or all bids. The trustees shall examine and accept the work when completed, and ascertain the amount of material furnished under the provisions of this act, and if found in all respects correct, shall draw an order for the amount due for work, or for material furnished, upon the township treasurer, which shall be countersigned by the township clerk.

SECTION 6. The board of trustees may appoint one of their number, or some other suitable person, who shall oversee the work, and for services rendered under the provisions of this act, [and] they shall be entitled to receive, for each day actually employed, the sum of one dollar and

fifty cents per day, and the trustees shall provide for the township clerk a suitable book in which there shall be kept a complete record of the business transacted under the provisions of this act; and it is hereby made his duty to keep a full and complete record of the action of the board of trustees under this act, and the township clerk, for making such record, shall be entitled to receive ten cents per hundred words, and for all other services such reasonable compensation as may be allowed by the board of trustees.

Record to be kept by township clerk.

Duty of clerk: compensation.

SECTION 7. The fees of the township officers, the engineer, and the person who may be appointed by the board of trustees under the provisions of this act, shall be paid out of the township road fund. But before any payments shall be made for services rendered under the provisions of this act, the person entitled thereto shall make out and file with the township clerk, an itemized account of his services, whereupon the trustees shall, if they find the same correct, draw an order on the township treasurer, countersigned by the township clerk.

Expenses to be paid from road fund.

Itemized accounts.

SECTION 8. The roads graveled, paved or macadamized under the provisions of this act shall be free to the public travel, and shall be kept in repair by the trustees out of the funds that come into the township treasury from the county treasurer, as provided for in section one thousand four hundred and fifty-nine (1459) of the Revised Statutes of Ohio.

Roads to be free; repairs.

SECTION 9. This act shall take effect from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 21, 1898.

131G

[House Bill No. 147.]

AN ACT

To amend and change the sectional numberings of "An act for the regulation of the manufacture of flour and meal food products."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the above named act, passed April 27, 1896 (O. L., vol. 92, pages 393 and 394), be amended so as to read as follows:

Labor:

Sec. 1. All buildings or rooms occupied as biscuit, bread or cake bakeries shall be drained and plumbed in a manner to conduce to the proper healthful and sanitary condition thereof, and constructed with air-shafts, windows or ventilating pipes, sufficient to insure ventilation, such

Drainage, plumbing and ventilation of bakeries.

as the chief or district inspector shall direct; and no cellar or basement not now used as a bakery, shall be hereafter used and occupied as a bakery, and a cellar heretofore occupied shall, when once closed, not be reopened, unless the proprietor shall have previously complied with the provisions of this act.

Wash-rooms,
water-closets,
earth-closets,
privy or ash-pit.

Sec. 2. Every such bakery shall be provided with a proper wash room and water-closet or closets, apart from the bake-room or rooms where the manufacturing of such food products is conducted; and no water-closet, earth-closet, privy or ash-pit shall be within or communicate directly with a bakeshop, or any bakery for a hotel or public restaurant.

Height of room;
side-walls and
ceilings.

Sec. 3. Every room used for the manufacture of flour or meal food shall be at least eight feet in height; the side walls of such rooms shall be plastered or wainscoted, ceiling plastered or ceiled with lumber or metal, and if required by the inspector, shall be whitewashed at least once in three months, and the furniture and utensils of such rooms shall be so arranged as to be easily moved, that the furniture and floor may at all times be kept in proper healthful sanitary condition.

Furniture and
utensils.

Storage of man-
ufactured prod-
ucts.

Sec. 4. The manufactured flour or meal food products shall be kept in perfectly dry and airy rooms, so arranged that the floors, shelves, and all other facilities for storing the same can be easily and perfectly cleaned.

Sleeping places.

Sec. 5. The sleeping places for persons employed in a bakery shall be kept separate from the room or rooms where flour or meal food products are manufactured or stored, and the chief inspector or district inspector may inspect such sleeping places, if they are on the same premises as the bakery, and order them cleaned or changed in compliance with sanitary principles.

Certificate of
compliance.

Sec. 6. After the inspection of a bakery has been made and it is found to conform to this act, the chief inspector may issue a certificate to the owner or operator of such bakery, that it is conducted in compliance with all the provisions of this act; but where orders are issued by the inspector to improve the condition of a bakery no such certificate shall be issued until such order and the provisions of this act shall have been complied with.

Additional dis-
trict inspectors.

Sec. 7. For the purpose of enforcing this act, the chief inspector of workshops and factories shall appoint two additional district inspectors who shall be appointed in the same manner and possess the same qualifications, and whose term of office shall be the same, and on the same conditions and clothed with the same powers, and receive the same compensation as the district inspector authorized by section 2573a including sections two and three, section 2573a—2, 2573b and 2573c Revised Statutes.

Compliance with
notice requiring
alterations;

Sec. 8. The owner, agent or lessee of any property affected by the provisions of this act, shall within thirty

days after the service of a notice requiring any alterations to be made in or upon such premises, comply therewith, and such notice shall be in writing and may be served upon such owner, agent or lessee either personally or by mail, and a notice mailed to the last known address of such owner, agent or lessee, shall be deemed sufficient for the purpose of this act.

form and service
of such notice.

Sec. 9. Any person who violates the provisions of this act or refuses to comply with any requirement of the chief or district inspector, as provided herein, shall be guilty of a misdemeanor, and on conviction thereof before any court of competent jurisdiction, shall be punished by a fine of not less than twenty or more than fifty dollars for the first offense, and not less than fifty nor more than one hundred dollars for the second offense, or imprisonment for not more than ten days, and for the third offense by a fine of not less than two hundred dollars and not more than thirty days' imprisonment.

Penalty for viola-
tions or re-
fusal to comply
with require-
ment of in-
spector.

SECTION 2. That the act cited in the title of this act, passed April 27, 1896 (O. L., vol. 92, pages 393 and 394), is hereby repealed, and this act shall take effect from and after its passage.

Repeals, etc.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 21, 1898.

132G

[House Bill No. 160.]

AN ACT

To amend and change the sectional numbering of an act for the suppression of mob violence, passed April 10, 1896.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That an act for the suppression of mob violence, passed April 10, 1896, be amended so as to read as follows:

Certain statu-
tory rights:

SECTION 2. That any collection of individuals, assembled for any unlawful purpose, intending to do damage or injury to any one or pretending to exercise correctional power over other persons by violence, and without authority of law, shall for the purpose of this act be regarded as a "mob," and any act of violence exercised by them upon the body of any person, shall constitute a "lynching."

"Mob" and
"lynching"
defined.

SECTION 3. The term "serious injury," for the purpose of this act, shall include any such injury as shall permanently or temporarily disable the person receiving it from earning a livelihood by manual labor.

"Serious injury"
defined.

SECTION 4. Any person who shall be taken from the hands of the officers of justice in any county by a mob,

Damages in case
of assault.

and shall be assaulted by the same with whips, clubs, missiles, or in any other manner, shall be entitled to recover from the county in which such assault shall be made any sum not to exceed one thousand dollars, as damages, by action as hereinafter provided.

Damages in case of lynching.

SECTION 5. Any person assaulted by a mob and suffering lynching at their hands, shall be entitled to recover from the county in which assault is made, any sum not to exceed five hundred dollars; or if the injury received is serious, any sum not exceeding one thousand dollars; or if it result in permanent disability to earn a livelihood by manual labor, any sum not to exceed five thousand dollars.

Damages recoverable by legal representative of victim of lynching.

SECTION 6. The legal representative of any person suffering death by lynching at the hands of a mob, in any county in this state, shall be entitled to recover of the county in which such lynching may occur, any sum not to exceed five thousand dollars damages for such unlawful killing. Said recovery shall be applied first to the maintenance of the family and education of the minor children of the person so lynched, if any be left surviving him, until such minor children shall become of legal age, and then be distributed to the survivors, share and share alike, the widow receiving a child's share. If there be no wife or minor children left surviving such decedent, [decedent] the said recovery shall be distributed among the next of kin according to the laws of the distribution of the personalty of an intestate. Such recovery shall not be regarded as a part of the estate of the person lynched, nor be subject to any of his liabilities. Any person suffering death or injury at the hands of a mob engaged in an attempt to lynch another person, shall be deemed within the provisions of this act, or he or his legal representatives shall have the same right of action thereunder as one purposely injured or killed by such mob.

Disposition of recovery.

Actions.

SECTION 7. Actions for the recoveries provided for in this act [may] be begun in any court having original jurisdiction of an action for damages for malicious assault within two years of the time of such lynching.

Order to include recovery and costs in tax levy.

SECTION 8. An order to the commissioners of any county against which such recovery may be made, to include the same with costs of action in the next succeeding tax levy for said county, shall form a part of the judgment in every such case.

Guardian's custody, etc.; fees.

SECTION 9. In case the decedent has left minor children him surviving, the fund shall be turned over to a regularly appointed guardian, who shall apply the same under the direction of the judge of probate, allowing not more than five hundred dollars for counsel fees in the action for such recovery.

County's right of action against member of mob.

SECTION 10. The county in which any lynching shall occur shall have a right of action to recover the amount of

any judgment against it in favor of the legal representatives of any person killed or seriously injured by a mob, including costs, against any of the parties composing such mob. Any person present with hostile intent at such lynching shall be deemed a member of the mob and shall be liable to such action.

SECTION 11. In case a mob shall carry a prisoner into another county, or shall come from another county to commit violence on a prisoner brought from such county for safekeeping, the county in which the lynching was committed may recover the amount of the judgment and costs against the county from which the mob came, unless there was contributory negligence on the part of officials of said county in failing to protect the prisoner or disperse said mob.

County's right
of action
against other
county.

SECTION 12. Nothing in this act shall be held to relieve any person concerned in such lynching from prosecution for homicide or assault for engaging therein.

Non-relief from
prosecution.

SECTION 13. Said original act is hereby repealed.

Repeals.

SECTION 14. This act shall be in force from and after the time of its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 21, 1898.

133G

[House Bill No. 238.]

AN ACT

For regulating the weighing of coal at the mine where mined.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whoever shall be employed to weigh coal as it comes from the mine where mined, where such weight shall be the weight upon which the amount of mining for the person mining such coal shall be estimated, and the weight upon which the royalty due the owner of the lands from which such coal shall be mined, shall be estimated at any mine where ten or more miners shall be employed, shall take and subscribe an oath before some competent officer to administer such oath, that he will correctly weigh all coal taken from such mine under existing contracts between operator, miner and landowners, and give due credit for the same to the miner mining such coal in said mine, and the landowner when required, owning the lands from which such coal is mined, and shall enter into bond in the sum of three hundred dollars, with two sufficient sureties and payable to the state of Ohio, said bond to be approved by and filed with the township clerk of the township where such mine may be situated for the faith-

Weighing of
coal; oath of
weighmaster.

Bond of land-
owner.

ful discharge of such oath. Said oath to be endorsed upon said bond.

Duty of prosecuting attorney.

SECTION 2. It shall be the duty of the prosecuting attorney of the county in which such mine is situated, to prosecute all persons charged with violation of such oath.

Penalty.

SECTION 3. Any person convicted of such violation shall be fined in the sum of not less than fifty dollars, nor more than five hundred dollars, or imprisoned in the county jail of the county where conviction is had for not less than ten days nor more than sixty days, or both, at the discretion of the court.

When act takes effect.

SECTION 4. This act shall take effect and be in force from and after September 1, 1898.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 21, 1898.

134G

[House Bill No. 35.]

AN ACT

To regulate the employment of minors in the mines of the state of Ohio, and to amend section 302 of the Revised Statutes of Ohio, passed April 16, 1888 (O. L., vol. 85, page 325).

Inspector of mines:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 302 be so amended as to read as follows:

Employment of minors.

Sec. 302. No child under fifteen years of age shall be allowed to work in any mine, and in all cases of minors applying for work the agent of such mine shall see that the provisions of this section are not violated; he shall also keep a record of all minors employed by him, or by any person employed in said mine, giving the name, age, place of birth, parents' name and residence, with character of employment, and he shall demand from such minor proof that he has complied with the requirements of the school laws; and it shall be the duty of the mine inspector to inspect such record and to report to the chief inspector of mines the number of minors employed in or about such mines and to enforce the provisions of this section.

Record of employees.

Inspection of record.

Repeals, etc.

SECTION 2. That said section 302 of the Revised Statutes of Ohio, passed April 16, 1888 (O. L., vol. 85, page 325), be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 21, 1898.

135G

[House Bill No. 730.]

AN ACT

To amend section 3885 and Section 3886 of the Revised Statutes of Ohio, as amended March 10, 1898.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 3885 and 3886 of the Revised Statutes of Ohio, as amended March 10, 1898, be amended to read as follows: Schools:

Sec. 3885. The state is hereby divided into school districts to be styled respectively, city districts of the first grade of the first class; city districts of the second grade of the first class; city districts of the third grade of the first class; city districts of the first class; city districts of the second class; village districts; special districts and township districts. Classification.

Sec. 3886. Each city having a population of 10,000 or more together with the territory attached to it for school purposes, if any, and excluding the territory within its corporate limits detached for school purposes, if any, shall constitute a school district to be styled a city district of the first class; cities of the second and third grades of the first class, together with the territory outside of their respective corporate limits, if any, attached to them for school purposes, and excluding the territory within their corporate limits, detached for school purposes, if any, shall constitute respectively school districts to be styled city districts of the second and third grades of the first class; and each district that has heretofore been constituted a city district of the first class, shall remain such, except as herein otherwise provided. City district of the first class.

City districts of the second and third grades of the first class.

SECTION 2. All statutes and parts of statutes now in force, which by their terms apply to city districts of the third grade of the first class shall apply to all such districts created by this act; and all acts heretofore done and proceedings taken in pursuance of such statutes or parts of statutes in any district in a city of the third grade of the first class and hereby constituted a city district of the third grade of the first class as defined in section one of this act, shall be deemed and held to be valid and legal for all purposes, the same as if this act had been passed and in force before such statutes or parts of statutes were enacted. Application of existing statutes.

SECTION 3. That said original section 3885 and section 3886, as amended March 10, 1898, be and the same are hereby repealed. Repeals.

SECTION 4. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,

Speaker of the House of Representatives.

ASAHIEL W. JONES,

President of the Senate.

Passed April 21, 1898.

136G

[House Bill No. 493.]

AN ACT

To further supplement section 4599, Revised Statutes of Ohio.

Levees:	SECTION 1. <i>Be it enacted by the General Assembly of the State of Ohio</i> , That section 4599 of the Revised Statutes of Ohio be further supplemented by sections 4599b, 4599c and 4599d to read as follows:
Assessments for operating expenses of flood-gate, pump, elevator, etc.	Sec. 4599b. There shall be levied and assessed according to benefits, each year, upon all the lands benefited by any particular levee, a sum sufficient to defray the operating expenses of any flood gate, pump or elevator, or for the purpose of defraying the expense of any repair or improvement of the same or of any levee and for all contingent expenses.
County levee committee; appointment; term; vacancy.	Sec. 4599c. The probate judge, upon application of a majority of the persons interested in a levee now constructed, or that may hereafter be constructed under this chapter, shall appoint three competent freeholders of the county not interested in any levee within the county, who shall be known as the "county levee committee," and who shall hold office for two years and until their successors are appointed, and in case of a vacancy from any cause, the probate judge may fill such vacancy for the unexpired term. Said committee shall elect one of their number secretary and the oldest member thereof shall be president, and said committee shall meet annually on the first Thursday of May, at ten o'clock a. m., at the office of the county commissioners, which meeting shall be a public meeting for all persons interested in any levee within such county, and said committee shall keep a correct record of all their proceedings in a book to be provided for that purpose.
Organization; annual meeting.	Said committee shall hear all persons interested in any levee, and shall determine the amount of money that will be necessary to defray the expenses mentioned in section 4599b, for each particular levee, for the period of one year, and such amount so determined by said committee, shall be levied and assessed, at such annual meeting or at an adjournment thereof, not exceeding ten days thereafter, upon all the lands benefited by each particular levee, according to benefits to be determined by said committee, and said committee shall give a name to each particular levee, and shall certify the amount levied and assessed upon each parcel of land, for each particular levee, to the county auditor who shall place the same upon the tax duplicate of the county against said lands and the same shall be collected by the county treasurer as other special assessments are required to be collected by law together with all similar penalties, and when the same shall be collected the same shall remain in the hands of the county treasurer in a fund to be named the same as given by said committee to said
Record of proceedings.	
Hearings by committee; levy to be made according to benefits.	
Naming of levees.	

levee, as aforesaid, to be certified to the auditor upon certifying the first assessment under this act.

Sec. 4599d. Said county committee is hereby authorized, upon a petition in writing signed by a majority of the persons assessed for any levee, to enter into any and all necessary contracts for the repair, operation, improvement and maintaining of any levee, pump, elevator or flood gate, which may be prayed for in said petition, and all contracts so made by them shall not be binding upon them personally, but in their official capacity, and all of the same shall be paid out of the aforesaid funds from the county treasurer so levied and collected to meet the same, upon the warrant of the county auditor stating the name of the fund against which the warrant is drawn, but before any such warrant shall be drawn by the county auditor, said county committee shall first approve and allow a voucher therefor which shall be signed by said committee or a majority thereof and filed with said auditor, and said voucher shall state the name of the levee, and the fund out of which any claim is to be paid, and the warrant drawn by the auditor shall be against the fund mentioned in such voucher, and the auditor shall keep accounts of each levee fund with said treasurer the same as in other cases. Said committee shall each receive \$2.00 per day for their service to be allowed by the county commissioners and paid out of the county treasury not to exceed \$20.00 in any one year for each member.

Contracts.

Committee to approve vouchers for money; what to contain.

Compensation of committee.

SECTION 2. This act shall be in force and take effect from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 21, 1898.

137G

[House Bill No. 499.]

AN ACT

To amend section 567 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 567 of the Revised Statutes be amended to read as follows:

Justices of the peace:

Sec. 567. When a vacancy occurs in the office of justice of the peace in any township in the state, either by death, removal, absence at any one time for the space of six months, resignation, refusal to serve or otherwise, the trustees, having notice thereof, shall, within ten days from and after such notice, fill such vacancy by appointing a suitable and qualified resident of the township, who shall serve as justice until the next regular election for justices of the

Vacancy in office; appointment by trustees.

Election to fill vacancy.

Duty of clerk of court.

Notification to clerk by township trustees.

Additional justice: what certificate of election to contain.

Repeals, etc.

peace and until his successor is elected and qualified; and a majority vote of the trustees shall be sufficient to appoint. At the next regular election some suitable person shall be elected justice in the regular way to fill the unexpired term, if any, of the justice originally elected to such office; and the clerk of the court of common pleas, in certifying to the secretary of state the election or appointment of a justice of the peace to fill any vacancy, as aforesaid, shall specify in his certificate the name of the justice of the peace whose place is supplied by the person whose election is certified to, and also the date when such vacancy occurred; and to enable the clerk of the court to comply with so much of this section as relates to his duties, the trustees shall notify him of any vacancy, as aforesaid, and the date when it occurred; and in case the election of an additional justice of the peace in any township is authorized by the proper authority, the clerk of the court, in certifying his election to the secretary of state, shall state in his certificate that he is such additional justice of the peace so authorized and elected.

SECTION 2. Said original section 567 is hereby repealed, and this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.
138G

Passed April 21, 1898.

[House Bill No. 545.]

AN ACT

To amend section 7088 of the Revised Statutes of Ohio.

Frauds, forgery, counterfeiting:

Sending letters, etc., to obtain money; penalty.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 7088 of the Revised Statutes of Ohio be amended to read as follows:

Sec. 7088. Whoever writes or prints the whole or any part of any letter, telegram or other instrument, or sends, in any manner, any letter, telegram or other instrument, to any person in this state or elsewhere, with intent to obtain from any person any thing of any value, and to wrong and defraud any person, shall, upon conviction thereof, if the value of the property intended to be obtained is thirty-five dollars or more, be imprisoned in the penitentiary not more than five years nor less than one year, or if the value is less than that sum, be fined not more than fifty dollars, or be imprisoned not more than sixty nor less than ten days, or both.

SECTION 2. Said original section 7088 is hereby repealed, and this act shall take effect from and after its passage. Repeals, etc.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 21, 1898.

139G

[House Bill No. 340.]

AN ACT

To amend section 1707 of the Revised Statutes of Ohio, as amended May 14, 1894.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1707 of the Revised Statutes of Ohio, as amended May 14, 1894, be and the same is hereby amended so as to read as follows, to wit:

Sec. 1707. The officers of a city of the second class, except in cities of the second grade of the second class, shall consist of a mayor, a marshal, except as hereinafter provided, a city solicitor, a city commissioner, who shall be superintendent of streets and highways, a treasurer, except as provided in section seventeen hundred and eight, all of which officers shall be chosen by the electors, except as hereinafter provided, and a clerk, who shall be chosen by the council; and in cities of the third grade of the second class there shall also be a police judge, prosecuting attorney of the police court and clerk of the police court, which officers shall be chosen by the electors thereof; and the council may, when in its opinion expedient, create by ordinance the office of auditor, civil engineer, sealer of weights and measures, fire engineer and superintendent of markets, and provide for their election or appointment, and compensation; provided, that the provisions as to marshal shall be subject to the provisions contained in the fourth subdivision of chapter five, of the fifth division of this title; and provided further, that in cities of the third grade of the second class, the council may, when in its opinion expedient, abolish by ordinance the office of marshal; and provided further, that in cities of the fourth grade *a* of the second class, and in all cities of the fourth grade of the second class, the council may, when in its opinion expedient, abolish by ordinance the office of marshal, and by ordinance create the office of the chief of police.

Officers of cities, etc.:

Cities of the second class.

Cities of second class, third grade.

Power of council to create additional offices.

Marshal.

Power of councils of certain cities to abolish certain offices.

SECTION 2. That original section 1707 of the Revised Statutes, as amended May 14, 1894 (91 O. L., page 236), be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 21. 1898.

140G

[House Bill No. 511.]

AN ACT

To amend section 3641 of the Revised Statutes of Ohio, as amended April 13, 1894 (O. L., vol. 91, page 138).

Insurance companies other than life:

Powers of companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3641 of the Revised Statutes of Ohio, as amended April 13, 1894, be so amended as to read as follows:

Sec. 3641. A company organized under this chapter may:

1. Insure houses, buildings and all other kinds of property against loss or damage by fire and lightning and tornadoes, in and out of the state, and make all kinds of insurance on goods, merchandise and other property in the course of transportation, whether on land or water, or on any vessel or boat wherever the same may be.

2. Make insurance on the health of individuals and against personal injury, disablement or death, resulting from traveling or general accidents by land and water; make insurance against loss or damage resulting from accident to property, from cause other than fire or lightning; guarantee the fidelity of persons holding places of public or private trust, who may be required to, or do, in their trust capacity, receive, hold, control, disburse public or private moneys or property; guarantee the performance of contracts other than insurance policies, guarantee the validity of titles to real property, and execute and guarantee bonds and undertakings required or permitted in all actions or proceedings, or by law allowed.

3. Make insurance on the lives of horses, cattle or other live stock against loss by death caused by accident, disease, fire or lightning, and against loss by theft and damage by accident, provided, that such company shall have a capital of one hundred thousand dollars, with at least twenty-five (25) per cent. of the capital stock paid up.

4. Receive on deposit and insure the safe-keeping of books, papers, moneys, stocks, bonds and all kinds of personal property; lend money on bottomry or respondentia and cause itself to be insured against any loss or risk it may have incurred in the course of its business, and upon the interest which it may have in any property by means

of any loan which it may have made on mortgage, bottomry or respondentia, and generally to do and [perform] all other matters and things proper to promote these objects; but no company shall be organized to issue policies of insurance for more than one of the above four mentioned purposes, and no company organized for either one of said purposes shall issue policies of insurance of any other; provided, however, that no company, organized under the laws of the state to transact the business of guaranteeing the fidelity of persons holding places of public or private trust, or of executing or guaranteeing bonds or undertakings, as aforesaid, shall commence business until it has deposited with the superintendent of insurance two hundred thousand dollars in securities permitted by sections 3637 and 3638 of the Revised Statutes, which shall be held by said superintendent for the benefit and security of all the policy-holders of the company, and which shall not be received by the said superintendent at a rate above their par value; nor shall a company, organized under the laws of another state, be licensed to transact any such business in this state unless at least two hundred thousand dollars of its assets are invested in securities permitted by sections 3637 and 3638 of the Revised Statutes of this state, and such securities are deposited with the superintendent of insurance of this state, or the superintendent of insurance or other officer of the state in which such company was organized, designated by the laws of such state to receive the same; and if such securities are deposited with the superintendent of insurance or other officer of another state, the superintendent of insurance of this state shall be furnished with the certificate of such state officer under his hand and official seal that he, as such officer, holds in trust on deposit for the benefit of all the policy-holders of such company the securities above mentioned, giving the items of such securities, and stating that he is satisfied such securities are worth at least two hundred thousand dollars; and in addition to such certificate such company shall deposit and maintain with the superintendent of insurance of this state thirty thousand dollars for the purpose of paying any judgment obtained against them in this state, in securities as permitted by sections 3637 and 3638 of the Revised Statutes of this state, and the securities so deposited with the superintendent of insurance may be exchanged from time to time for other like securities, and so long as the corporation depositing the securities shall continue solvent and comply with the laws of this state it shall be permitted by the superintendent of insurance to collect the interest or dividend on such deposit; provided, also, that any company which shall execute any bond as surety under the provisions of this act shall be estopped in any proceeding to enforce the liability which it shall have assumed to incur, to deny its corporate power to execute such instrument or assume such liability.

Limitation.

Deposit required
of guarantee
companies.

Denial of corporate power
barred.

Repeals, etc.

SECTION 2. That section 3641 as amended April 13, 1894, be and the same is hereby repealed, and this act shall take effect on its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 21, 1898.

141G

[House Bill No. 693.]

AN ACT

To supplement section 2834b of the Revised Statutes of Ohio, as amended (92 O. L., 341), with section 2834c.

Levying taxes:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2834b of the Revised Statutes of Ohio, as amended (92 O. L., 341), be supplemented with section 2834c, to read as follows:

Reimbursement
of holders of
bonds issued
under unconsti-
tutional acts.

Sec. 2834c. Whenever the commissioners of any county, acting in accordance with an act of the legislature, have incurred obligations or have issued and sold bonds, and with the proceeds of such obligations or bonds have constructed an improvement or purchased land, and have wholly or partially completed a building thereon, and, after such proceeds have been so expended and the county thereby placed in the ownership and possession of such improvement or building, the statute under which such bonds were issued or obligations incurred has been, by the supreme court, declared unconstitutional and the county authorities enjoined from levying taxes to pay the interest and principal of such bonds or obligations, whereby the county has, with the proceeds of the bonds which it still retains, acquired such improvement or building, and, by reason of the unconstitutionality of the law under which it has acted, cannot pay its obligations outstanding in the form in which they were issued, such commissioners may, if they deem it for the best interest of the county so to do, fulfill the equitable and moral obligation of the county to reimburse the holders of said bonds or obligations to an amount equal to the principal and interest which has accrued thereon, and, for the purpose of so doing, may issue and sell bonds of such county or borrow money in such amounts and for such lengths of time and at such rate of interest as the commissioners may deem proper, not exceeding the rate of 5 per cent. per annum, payable semi-annually, to be used in the reimbursement and payment of such equitable and moral claims and liabilities against such county; provided, that no such payment or reimbursement of any such moral or equitable claim shall be made of any claim that has remained due or unpaid for a

Proviso.

longer period than ten years; provided, further, that should the county commissioners of any county, upon the written request of the holder of any such equitable claim against the county as is in this section described, fail within six months after such demand to make provision for such claim under the provisions of this section, then, in such case, the holder of any such legal or equitable claim as is in this section described against such county shall have a right of action in any court of competent jurisdiction to recover the amount of such claim and interest against such county at any time within a period of ten years from the time the cause of action accrues; provided, further, that the county commissioners may devote the building or improvement which the county has acquired in the circumstances mentioned in this act to any county purpose.

Claims recover-
able by action.

Use of county
building.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAH W. JONES,
President of the Senate.

Passed April 21, 1898.

142G

[House Bill No. 414.]

AN ACT

To reenact and amend sections 1, 2, 3, 4, 5 and 6 of an act entitled "An act to provide a board of elections for certain specified counties," passed April 12, 1889 (86 O. L., page 258), as amended April 30, 1891 (88 O. L., page 468), as amended by section 2 of the act of April 18, 1892 (89 O. L., page 429), and numbered as sections 2926 W-1, 2926 W-2, 2926 W-3, 2926 W-4, 2926 W-5 and 2926 W-6, in the Revised Statutes of Ohio: and to amend sections 3 and 4 of an act entitled "An act to create a state supervisor of elections, with deputy state supervisors, for the conduct of elections in the state of Ohio," passed April 18, 1892 (89 O. L., page 455), as amended April 25, 1893 (90 O. L., page 263), as amended April 10, 1896 (92 O. L., page 145), and numbered as sections 2966-3 and 2966-4 in the Revised Statutes of Ohio; and to amend sections 25 and 37 of the act commonly known as the ballot act, passed April 30, 1891 (88 O. L., pages 450 and 463), as amended April 18, 1892 (89 O. L., pages 448 and 453), as amended April 25, 1893 (90 O. L., pages 276 and 277), and as amended April 10, 1896 (92 O. L., pages 147 and 148), and numbered as sections 2966-40 and 2966-53, in the Revised Statutes of Ohio, and to repeal certain sections and acts herein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 1, 2, 3, 4, 5 and 6 of the above recited act, entitled "An act to provide a board of elections for certain specified counties," passed April 12, 1889 (86 O. L., page 258), as amended April 30, 1891 (88 O. L., page 468), as amended by section 2 of the act of

Conduct of
elections:

April 18, 1892 (89 O. L., pages 429, 430 and 431), be re-enacted and amended so as to read as follows:

Conduct of elections in counties containing cities of the first class and first grade.

Sec. 1. In any county having within its territory a city of the first class and first grade, except counties containing cities of the first grade fourth class, the county not included within the city, shall be held and deemed to be election precincts of the city for the purpose of conducting and supervising elections therein, and the board of elections heretofore established in such cities shall have directions of elections in such precincts and throughout such county; and all the provisions, duties, penalties and requirements contained in section two thousand nine hundred and twenty-six of the Revised Statutes, and supplemental sections as heretofore amended shall apply and be in full force as to all elections held in such counties as well as such cities, except as herein specified; and the members, secretary, deputy secretary, clerks and assistants of such board, shall be electors of the county and not of the city merely. [89 v. 429].

Provisions applicable to elections in precincts outside such cities.

Sec. 2. The following provisions included in this section, shall apply only to elections in precincts not included in such cities: Registration of electors, as provided in the above mentioned sections, shall not be required. The board of elections may, in its discretion, authorize the judges of elections to omit the meeting for organization provided in section 2926n, but in all such cases the judges shall organize as therein required, on the morning of the election, before opening the polls. The boards of election may, when expedient, permit the oath required by section 2926e to be administered by an officer authorized to administer oaths without the appointee appearing at the office of the board, and any such officer is required to administer such oath without compensation; but in all such cases the oath, duly certified, must be filed in the office of the board before the certificate of appointment is issued. The board may dispense with the notice of appointment required in section 2926e; when vacancies occurring on the day of an election have been filled, as required in said section and when said notice has been so dispensed with, the appointee shall serve upon such appointment as if he had been appointed by the board. The board may authorize judges of election to forward, by mail, the certified summary statement of votes required in section 2926p; provided, the said judges shall have announced the vote to the board by telegraph or telephone, as required in said section and in section 2926q. The board of elections shall provide for the safekeeping and delivery of the ballot boxes as may seem expedient. [89 v. 429].

Delivery of poll-books.

Sec. 3. At every election, in any county as aforesaid for state or county officers, or for representatives in congress, or for presidential electors, the poll-book of each precinct, addressed to "the county board of canvassers,

as required by section 2926r, shall be delivered at the office of the board of elections. The other poll-book shall be addressed to the "clerk of the court of common pleas," and delivered to him, and he shall preserve it for one year, for inspection as a public record, and shall, upon demand of the board of canvassers, produce any such poll-book for their inspection and use. The time and manner of delivery of poll-books shall be as provided in section 2926r, except that the poll-books from election precincts not included within the city, shall be delivered within twenty-four hours after closing the polls. The president or secretary of the board of elections may order the summary arrest of any judge of elections in such county, who fails to make return of any election; and it shall be the duty of the sheriff of the county, or of any policeman or constable, to whom such order may be directed, to bring such delinquent judge, together with the poll-book, and other books pertaining to the election or registration, before said board. [89 v. 430].

Sec. 4. The members of the board of elections shall constitute the county canvassing board; and all duties as to canvassing the votes and making returns of the same, now by law assigned to the clerk of the court of common pleas, shall be performed by such board. Within four days after the election in November, and after any special election for county or state officers, or for representative in congress, the members shall meet at the office of the board of elections, and organize by choosing one of their number to be president, and appointing a secretary and necessary assistants. They shall proceed to canvass the vote of the county, and make return of the same as required by section 2926s, and by law. In case of doubt or disagreement, so that the board cannot proceed with the canvass, a statement in writing of the matter in doubt or controversy, shall be made and forthwith submitted to one of the judges of the circuit, for the circuit in which the county is situated; and if the board cannot otherwise agree the judge shall be selected by lot. Such judge shall summarily decide upon the matters submitted to him, and his decision shall be final. [89 v. 430].

Canvass of votes
and returns
thereof.

Sec. 5. Judges and clerks of election, appointed as herein provided, shall be allowed compensation as fixed in section 2926t. Salaries of the members and secretary, as fixed in said section, shall be paid out of the city treasury; and in addition there shall be allowed to each member of the board, in counties containing cities of the first class, except counties containing cities of the first grade fourth class, the sum of five hundred dollars per annum, and to the secretary the sum of six hundred dollars per annum, and in counties containing cities of the first grade of the second class, to each member of the board and to the secretary, the sum of four hundred dollars per annum, all payable quarterly out of the treasury of the county. The

Compensation of
judges and
clerks; salaries
of members and
secretary of
board; expense
of ballot-boxes.

Other expenses:
how payments
to be made.

expense of the purchase and repair of ballot-boxes, shall be paid out of the county treasury. All other expenses of every description incurred between the first day of July and the thirty-first day of December in each year, shall be paid out of the county treasury; and all expenses incurred between the first day of January and thirtieth day of June in each year, shall be paid as heretofore provided by law. All payments shall be made upon vouchers of the board, made and certified as required by section 2926d. [89 v. 431].

Other counties
than above
supervisors to
act; judges and
clerks.

Sec. 6. In all counties other than counties containing cities of the first class and first grade of the second class, in or for which there is or may be established deputy state supervisors of elections, said deputy state supervisors shall, in their respective counties, in the conduct of elections, have all the powers and perform all the duties conferred and imposed by this act, and the sections of the Revised Statutes amended and re-enacted therein, on the clerks of the court, and be subject to the same provisions, penalties and requirements. Judges and clerks appointed for the several precincts of a county by such board of elections or deputy supervisors or other officer or officers, shall serve as such in the conduct of all elections under this act in preference to the judges and clerks provided for herein, and shall perform all the duties and exercise all the powers and be subject to all the penalties imposed, conferred or prescribed in the sections of the Revised Statutes amended and re-enacted by this act upon judges and clerks of election. [89 v. 431].

SECTION 2. That sections 3 and 4 of an act entitled "An act to create a state supervisor of elections, with deputy state supervisors for the conduct of elections in the state of Ohio," passed April 18, 1892 (89 O. L., page 455), as amended April 25, 1893 (90 O. L., page 263), and as amended April 10, 1896 (92 O. L., page 145), be amended so as to read as follows:

Appointments,
qualifications
and term of deputy
state super-
visors.

Sec. 3. On or before the first Monday in August, 1892, such state supervisor shall appoint four deputy state supervisors for each county in this state, who shall be qualified electors of the county for which appointed. For the first appointment, two members shall be appointed for a term of one year, and two for a term of two years from the first Monday in August, 1892. One member so appointed for one year and one for two years, shall be from the political party which cast the highest number of votes at the last preceding November election for governor or secretary of state. The other two members shall be appointed from the political party which cast the next highest number of votes for such officer at said November election. Thereafter appointments shall be made annually for two deputy state supervisors for each county for the term of two years, which appointments shall be from two political parties which cast the highest and next highest number

of votes at the last preceding November election for governor or secretary of state. All vacancies shall be filled and all appointments to new terms made from the political party to which the vacating or out-going member belongs, unless there be a third political party which cast a greater number of votes in this state than did the party to which the retiring member belonged, at the next preceding November election, in which event the vacancy shall be filled from such third party. Provided, that if the executive committees of the two political parties in the county casting the highest and next highest number of votes in this state at the last preceding November election, recommend qualified persons to the state supervisor at least ten days before the appointment is made, then the state supervisor shall appoint the persons so recommended to the number to which said party is entitled; but if no such recommendation is made, the state supervisor shall make the appointments agreeably to the provisions herein contained. Any deputy state supervisor may be removed by the state supervisor for misfeasance or malfeasance in office, or other good and sufficient cause; and if, in filling vacancies caused by removals, no person or persons belonging to the political party as the person or persons removed, can be induced to accept such appointment, then the vacancies can be filled by appointments from any other political party. Provided further, that in counties containing cities of the first class and first grade of the second class, the boards of elections heretofore provided for such cities, by section 2926, and all sections supplementary thereto, of the Revised Statutes, shall have all the powers and perform all the duties for such counties imposed, and conferred by this act on deputy state supervisors. And deputy state supervisors in all counties containing cities of the first grade of the second class are hereby abolished. In counties containing cities of the second class, other than cities of the first grade of the second class, the board of elections heretofore provided for said cities, shall have the power and be subject to the duties prescribed in section 2926 of the Revised Statutes, and supplemental sections as heretofore amended, except that all the returns of the November elections shall, in such counties be made to the deputy state supervisors, as hereinafter provided; and in addition thereto, each board shall, in the conduct of municipal elections, have all the powers and duties and be subject to all the provisions, penalties and requirements of the deputy state supervisors prescribed in this act. [90 v. 263].

Vacancies.

Recommendation by party executive committee.

Removals.

Powers and duties of boards of elections in counties containing cities of the first class, and first grade of the second class.

Powers and duties of boards of elections in counties containing cities of the second class, other than cities of the first grade of the second class.

Selection and term of chief deputy and clerk.

Sec. 4. In all counties except counties containing cities of the first class and first grade of the second class, the deputy state supervisors for such counties shall, at least thirty days previous to the November election in each year, meet in the office of the county commissioners and organize by selecting one of their number as chief deputy, who shall preside at all the meetings, and a resident elector

**Report of
organization.**

Salary of clerk.

**Clerk's power to
administer
oaths.**

**Sessions of deputy
supervisors;
publications of
notice for bids
for printing.**

**Compensation of
deputy super-
visors.**

**Payment of com-
pensation and
expenses.**

of such county, other than a member of the board, as clerk, both of which officers shall continue in office for one year. The balloting for such officers shall commence at or before 1 o'clock p. m., on the day of convening, and at least one ballot shall be taken every twenty minutes until such organization is effected. The clerk shall be first selected by the votes of at least three members, and if, after five ballots no person shall be agreed upon as clerk, the clerk shall be selected by lot, from two persons of opposite politics, to be nominated by the deputy supervisors, the two deputy supervisors of the same politics to name one candidate for clerk, and the two deputies of opposite politics to name the other. After the selection of the clerk the chief deputy shall be selected from deputies of opposite politics to that of the clerk, and if upon the first ballot no person shall be agreed upon as chief deputy, the deputy of opposite politics to the clerk having the shortest term to serve, shall be, and act as the chief deputy, presiding at all meetings. When such organization is perfected, the clerk shall forthwith report the same to the state supervisor. The clerk shall be paid a salary, in quarterly installments, not to exceed one hundred dollars per year, which compensation shall be fixed by the deputy supervisors for the respective counties. He shall have power to administer oaths to such persons as are required by law to file certificates or other papers with the board, and to chief judges of election, or any witnesses who may be called to testify before the board. At such meeting for organization, the deputy supervisors may remain in session not more than two days for the purpose of organization and receiving instructions from the state supervisor as to their duties, and may at such time provide for the publication of a notice for bids for printing ballots, cards of instruction and other necessary blanks and papers required by law in the conduct of elections therein. Such deputy supervisors shall meet on the twelfth day before each election, and shall remain in session for such length of time as may be necessary, and shall adjourn to such day as their duties prescribed by law may require. For attending all meetings the deputy supervisors shall receive as compensation the sum of two dollars per day, not to exceed thirty days in any one year, and mileage at the rate of five cents a mile going to and returning from the county seat, if the distance be more than one mile. The compensation above provided for, and all proper necessary expenses in the performance of the duties of such deputy supervisors, shall be defrayed out of the county treasury as other county expenses, and the county commissioners shall make the necessary levy to meet the same. [92 v. 145].

SECTION 3. That sections 25 and 37 of an act, entitled "An act amendatory of and supplementary to an act entitled 'An act to provide for the mode of conducting

elections, to insure the secrecy of the ballot, and prevent fraud and intimidation at the polls, and to repeal certain statutes therein named," passed April 30, 1891, passed April 18, 1892 (89 O. L., page 432), as amended April 25, 1893 (90 O. L., pages 276 and 277), as amended April 10, 1896 (92 O. L., pages 147 and 148), be amended so as to read as follows:

Sec. 25. After canvassing the votes the judges and clerks shall make out the returns of the election and the tally-sheets thereof in duplicate, signed and certified as required by law; one copy thereof shall be immediately transmitted to the deputy state supervisors by the presiding judge or such other judge as he may designate; the other poll-book and tally-sheet shall be forthwith deposited with the clerk of the township or the clerk of the municipal corporation, as the case may require, by another judge designated by the presiding judge, to be preserved one year after the date of such election. Such returns shall be securely sealed up in an envelope and addressed transversely upon the upper end thereof to the proper officer with whom they are to be deposited, with the designation of the township, precinct and county; provided, that in cities of the first class and first grade of the second class, such delivery shall be made as now provided by law. From the time the ballot-box is opened and the count of votes begun, until the votes are counted and the returns made out, signed and certified as required by law, and delivered to the judges selected for such duty for transmission, the judges and clerks of the precincts shall not separate, nor any judge or clerk leave the polling place except from unavoidable necessity, under penalty of a fine of not less than fifty nor more than one hundred dollars. [92 v. 147].

Making, transmission and preservation of returns, tally-sheets and poll-books.

Cities of the first class and first grade of the second class.

Period during which judges and clerks shall not separate or leave polling place under penalty.

Sec. 37. In counties containing cities of the first class, and first grade of the second class, the election precincts of the county outside of the city shall be held and deemed to be election precincts of the city for the purpose of conducting elections under this act, and the boards of elections heretofore provided for such cities by section 2926b of the Revised Statutes, shall, in their respective counties perform the duties imposed upon the deputy state supervisors by this act. In counties containing cities of the second class, other than cities of the first grade of the second class, the boards of elections heretofore provided for such cities, shall have the power and be subject to the duties prescribed in section twenty-nine hundred and twenty-six of the Revised Statutes, and supplemental sections as heretofore amended, except that all the returns of the November elections shall, in such counties, be made to the deputy state supervisors as provided by law; and in addition thereto, such boards shall, in the conduct of municipal elections, have all the powers and duties and be subject to all the provisions, penalties and requirements of the deputy

Duties of boards of elections in counties containing cities of the first class and first grade of the second class.

Powers and duties of boards in counties containing cities of the second class, other than cities of the first grade of the second class.

Powers and duties of boards, deputy supervisors or other officers in counties other than those containing cities of the first class and first grade of the second class.

When chief deputy or presiding canvassing officer to act for associates.

Judges and clerks appointed by such election officers.

Repeals.

state supervisors prescribed in this act. In all counties other than counties containing cities of the first class, and first grade of the second class, in or for which there is or may be established a board of elections, or deputy supervisors of elections or other officer or officers, whose duty it is to receive and canvass the returns of the elections in and for such county or counties, and transmit abstracts thereof, such board or deputy supervisors, or other officer or officers shall in their respective counties, in the conduct of elections have all the powers and perform all the duties conferred and imposed by this act and be subject to the provisions, penalties and requirements herein; provided, that in the consideration and decision of the objections and questions arising in the course of a nomination for an officer of a circuit or district composed of more than one county, the chief deputy supervisor or presiding canvassing officer of the county shall act for his associates. Judges and clerks appointed for the several precincts of a county by such boards of elections or deputy supervisors or other officer or officers, shall serve as such in the conduct of all elections under this act and shall perform all the duties and exercise all the powers and be subject to all the penalties imposed, conferred or prescribed by this act upon judges and clerks of elections. [90 v. 276].

SECTION 4. That sections 1, 2, 3, 4, 5 and 6 of an act, entitled "An act to provide a board of elections for certain specified counties," as amended and reenacted by section 2 of the act of April 18, 1892 (89 O. L., pages 429, 430 and 431), sections 3 and 4 of an act entitled "An act to create a state supervisor of elections with deputy state supervisors for the conduct of elections in the state of Ohio," as amended April 25, 1893 (90 O. L., 263), and as amended April 10, 1896 (92 O. L., 145), and sections 25 and 37 of an act entitled "An act amendatory of and supplementary to an act entitled 'An act to provide for the mode of conducting elections, to insure the secrecy of the ballot, and prevent fraud and intimidation at the polls, and to repeal certain statutes therein named,'" as amended April 25, 1893 (90 O. L., pages 276 and 277), and as amended April 10, 1896 (92 O. L., pages 147 and 148), be and the same are hereby repealed. And all acts or parts of acts, and all sections or parts of sections in conflict with the provisions of this act, are to the extent of such conflict hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 21, 1898.

143G

[House Bill No. 420.]

AN ACT

To amend sections 4405, 4406, 4407, 4408, 4409, 4410, 4411 and 4412,
Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 4405, 4406, 4407, 4408, 4409, 4410, 4411 and 4412 of the Revised Statutes of Ohio, be amended to read as follows:

Druggists:

Sec. 4405. It shall be unlawful for any person not a legally registered pharmacist, to open, or conduct, any pharmacy, or retail drug or chemical store, either as proprietor or manager thereof, unless he shall have in his employ and place in charge of such pharmacy, or store, a legally registered pharmacist under the laws of this state. It shall be unlawful for any person, not a legally registered pharmacist, to compound, dispense, or sell, any drug, chemical, poison, or pharmaceutical preparation, upon the prescription of a physician, or otherwise; provided, however, that a legally registered assistant pharmacist may compound, dispense, or sell, any such drug, chemical, poison, or pharmaceutical preparation when employed in a pharmacy or drug store which is under the supervision, management and control of a legally registered pharmacist. Provided, also, that nothing in this section shall apply to, or in any manner interfere with the business of a physician, or prevent him from supplying to his patients such medicines as to him may seem proper; nor with the making or vending of patent or proprietary medicines by any retail dealer; nor with the selling by any person of copperas, borax, blue vitriol, saltpeter, sulphur, brimstone, licorice, sage, juniper berries, senna leaves, castor oil, sweet oil, spirits of turpentine, glycerine, glauher's salt, cream of tartar, or bicarbonate of sodium; nor prohibit any person from selling paregoric, essence of peppermint, essence of cinnamon, essence of ginger, hive syrup, syrup of ipecac, tincture of arnica, syrup of tolu, syrup of squills, spirits of camphor, number six, sweet spirits of nitre, compound cathartic pills, quinine pills, and other similar preparations when compounded by a legally registered pharmacist and put up in bottles or boxes bearing the label of such pharmacist or wholesale druggist, with the name of the article and directions for its use on each bottle or box; nor with the exclusively wholesale business of any dealer. [1884, March 20; 81 v. 61; Revised Stat. 1880; 70 v. 287, §1].

Who may retail
drugs; com-
pound prescrip-
tions; proviso.

Sec. 4406. There is hereby created a state board, consisting of five persons, to be known as "the Ohio board of pharmacy," who shall be appointed by the governor by and with the advice and consent of the senate. To aid the governor in the appointment of the members of the board, the Ohio state pharmaceutical association may an-

Ohio board of
pharmacy;
vacancy in
board; how
filled.

nually submit to him the names of five registered pharmacists, and from the names so submitted, or from others, the governor shall make the appointment. The members shall be appointed for the term of five years, and until their successors are appointed and qualified. In case of a vacancy from any cause, the vacancy shall be filled by appointment for the unexpired term of office, in the same manner as original appointments. Provided, however, that nothing herein shall be held to in any manner affect the term of office of the present members of the board. The board shall organize by selecting from its members a president, secretary and treasurer. The treasurer shall give a bond in the sum of one thousand dollars, with sureties approved by the board, for the faithful performance of his duties. The secretary shall receive a salary to be fixed by the board, and his necessary expenses incurred in the performance of his official duties. The other members of the board shall receive the sum of five dollars per day for each day actually employed in the discharge of their official duties, and their necessary expenses while engaged therein. The board shall have a common seal and shall formulate rules to govern its action. Its president and secretary shall have power to administer oaths. The board shall meet on the second Tuesday of January, May and October of each year, at such places as it may determine, and may hold such additional meetings as it deems necessary. The board shall keep a record of all its proceedings, and a register of all persons to whom certificates have been granted as pharmacists and assistant pharmacists; and the books and register of the board shall be prima facie evidence of all matters therein recorded. [1884, March 20; 81 v. 61, 62; Rev. Stat. 1880; 72 v. 16, § 2].

Registered pharmacists and assistants; entitled to renewal certificates.

Sec. 4407. Every person now registered as a pharmacist or assistant pharmacist under the laws of this state, shall be entitled to continue in the practice of his profession until his certificate of registration shall expire. Every registered pharmacist or assistant pharmacist, who desires to continue the practice of his profession in this state shall, within thirty days next preceding the expiration of his certificate, file with the board an application for a renewal thereof. If the board shall find that the applicant has been legally registered in this state, and is entitled to a renewal certificate, it shall issue to him a certificate, duly signed by its president and secretary. If a registered pharmacist or assistant pharmacist fail, for a period of sixty days after the expiration of his certificate, to make application to the board for a renewal certificate, such person in order to again be registered, shall be required to proceed as in the case of original registration. [1884, March 20; 81 v. 61, 62; Rev. Stat. 1880; 70 v. 287, § 3].

Examination of applicants; requirement.

Sec. 4408. Every person who shall hereafter desire to be registered as a pharmacist or assistant pharmacist, shall file with the secretary of the board an application,

duly verified, giving his age, the place or places at which, and the time spent in study and practice of pharmacy, and shall present himself before the board and submit to an examination as to his qualifications for the practice of pharmacy. If an applicant for a certificate as a pharmacist, such person shall have attained the age of twenty-one years, and shall possess four years' practical experience in a drug store where physicians' prescriptions are compounded; provided, that graduates of schools and colleges of pharmacy in good standing, as determined by the board, shall be entitled to a deduction from the requirement of four years' practical experience, of the time spent in receiving instruction in such school or college of pharmacy. If an applicant for a certificate as an assistant pharmacist, such person shall have attained the age of eighteen years, and shall possess at least two years' practical experience in a drug store where physicians' prescriptions are compounded, and in charge of a registered pharmacist; provided, that there may be deducted from the requirement of two years' practical experience the time actually spent by such applicant under instruction in any school or college of pharmacy in good standing, as determined by the board. If the board is satisfied that the person presenting himself for examination is of the required age, and is possessed of the practical experience required by this section, and passes a satisfactory examination, the board shall issue such applicant a certificate authorizing him to practice the profession of a pharmacist or assistant pharmacist. [1884, March 20; 81 v. 61, 63; Rev. Stat. 1880; 72 v. 16, § 4].

Sec. 4409. The Ohio board of pharmacy may register as pharmacists without examination, and issue certificates of such registration, to persons who are legally registered as pharmacists and hold certificates of such registration under the laws of any other state, upon the following conditions: Each applicant for such registration shall have attained the age of twenty-one years, and be registered after examination in the state from which he holds his certificate. The standard of qualification and requirement as to competency in any state shall be at least as thorough as that established by the board of pharmacy of this state. The board shall only recognize certificates of registration granted by states wherein like recognition is given to persons resident of this state and holding certificates from the board of pharmacy thereof. [1884, March 20; 81 v. 61, 64; Rev. Stat. 1880; 70 v. 287, § 5].

Registered pharmacists of other states; how registered.

Sec. 4410. Every certificate, and every renewal certificate issued by the Ohio board of pharmacy, shall entitle the person to whom it is granted to practice the profession of a pharmacist or assistant pharmacist for the period of three years. The board may refuse to grant a certificate to any person guilty of a felony or gross immorality, or

Period for which certificates may be granted; revocation of certificate for cause.

addicted to the liquor or drug habit to such a degree as to render him unfit to practice pharmacy, and may after notice and hearing, revoke a certificate for like cause, or for fraud in procuring the certificate. An appeal may be taken from the action of the board refusing to grant or revoking a certificate for such cause, to the governor and attorney-general, and the decision of which officers, either affirming or overruling the action of the board shall be final. Every certificate of registration and renewal certificate, shall be conspicuously exposed in the pharmacy or drug store of which the pharmacist or assistant pharmacist, to whom it is issued is the owner or manager, or in which he is employed. [1887, March 21; 84 v. 220; 81 v. 61, 64; Rev. Stat. 1880; 70 v. 288, § 6].

Fees to be charged; where deposited.

Sec. 4411. The board shall charge and collect for the issuing and registration of certificates, the following fees: For the examination of an applicant for a certificate as a pharmacist, five dollars; for the examination of an applicant for a certificate as an assistant pharmacist, three dollars. In case any applicant fails to pass the examination, the fee shall not be returned to him, but he may, within a year after such failure, present himself and be examined again without the payment of an additional fee. For issuing a renewal certificate to a pharmacist, two dollars; for issuing a renewal certificate to an assistant pharmacist, one dollar. For issuing a certificate to a pharmacist on presentation of a certificate granted by another state, fifteen dollars. All fees shall be paid in advance to the treasurer of the board, and by him covered into the state treasury monthly, to the credit of a fund, which is hereby appropriated for the use of the Ohio board of pharmacy. The compensation and expenses of the members and officers of the board, and all expenses proper and necessary in the opinion of the board to discharge its duties under and enforce the law, shall be paid out of said fund upon the warrant of the auditor of state, issued upon a requisition signed by the president and secretary of the board. [1887, March 21; 84 v. 220; 81 v. 61, 64; Rev. Stat. 1880; 70 v. 288, § 7].

Penalties.

Sec. 4412. If any person violates any of the provisions of section 4405 Revised Statutes, he shall be deemed guilty of a misdemeanor, and on conviction, shall be fined not less than twenty dollars nor more than one hundred dollars, or be imprisoned not less than twenty days nor more than one hundred days or both. Each day that any person violates any provision of the above named section shall constitute a separate offense. If any person shall file with the Ohio board of pharmacy any false or forged affidavit, or shall make under oath, any false statement with the intent to secure for himself, or for another person, any certificate of registration, or a renewal thereof, he shall be deemed guilty of a felony, and on conviction, shall be punished as provided by law. Whoever, being a regis-

tered pharmacist, or assistant pharmacist, fails to display in a conspicuous place his certificate of registration as required by section 4410 Revised Statutes, shall be deemed guilty of a misdemeanor, and on conviction, shall be fined not less than five dollars, nor more than twenty dollars, and each day's violation of this provision of the last named section shall constitute a separate offense. The secretary of the Ohio board of pharmacy is charged with the duty of enforcing the laws relating to the practice of pharmacy. If he have information that any provision of the law has been or is being violated, he shall investigate the matter, and upon probable cause appearing, shall file a complaint and prosecute the offender. It shall be the duty of the prosecuting attorney, when requested by such secretary, to take charge of and conduct such prosecutions. All fines assessed and collected under prosecutions begun or caused to be begun by the Ohio board of pharmacy, shall be paid to the treasurer thereof, and by him covered into the state treasury monthly, to be credited to the fund for the use of the Ohio board of pharmacy. [1887, March 21; 84 v. 220; 81 v. 61, 64; Rev. Stat. 1880; 70 v. 288, § 8].

SECTION 2. Sections 4405, 4406, 4407, 4408, 4409, 4410, 4411 and 4412 of the Revised Statutes of Ohio are hereby repealed, and this act shall take effect and be in force from and after its passage. Repeals, etc.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 21, 1898.

144G

[House Bill No. 303.]

AN ACT

To amend section 4 of an act passed March 21, 1887 (O. L., 84, page 216).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4 of an act passed March 21, 1887 (O. L., 84, page 216), be amended so as to read as follows: Adulteration;

[Sec. 4.] Whoever violates any of the provisions of this act shall, upon conviction, be fined not less than fifty dollars nor more than one hundred dollars, or imprisoned not less than thirty days nor more than one hundred days, or both, and shall be adjudged to pay, in addition, all necessary costs and expenses incurred in inspection and analyzing such vinegar. Every person making or manufacturing cider vinegar, who is not a domestic manufacturer of cider or cider vinegar, shall brand on each head of the cask, barrel or keg containing such vinegar, the Penalty.

Brands on casks
of vinegar.

Manufacturing
farmer.

Repeals, etc.

name and residence of the manufacturer, the date when same was manufactured, and the words "cider vinegar." And no vinegar shall be branded "fruit vinegar" unless the same be made wholly from apples, grapes, or other fruit. Provided, that nothing in this bill shall be construed to prevent any farmer from manufacturing for his own private use, or offering for sale, not to exceed twenty-five barrels in any one year, pure cider or other fruit vinegar, branding the same "domestic cider vinegar," with name and date of manufacturer, and when so branded, shall be sufficient guarantee of its purity.

SECTION 2. Section 4 of an act passed March 21, 1887 (O. L., 84, page 216), be repealed, and this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 21, 1898.

145G

[House Bill No. 389.]

AN ACT

To provide for public day schools for the deaf in the city districts of the first and second grades of the first class.

Public day
schools for deaf
children in city
districts of first
and second
grade of the first
class.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That boards of education in city districts of the first and second grade of the first class shall establish and maintain public day schools for deaf children and those defective in speech and unable to attend the public schools provided for children that can hear.

Annual report
by board of edu-
cation.

SECTION 2. The boards of education in such city districts shall report annually on or before September 1 of each year to the governor of the state such facts as may be required concerning such school, together with an enumeration of all the deaf children between the ages of three and twenty-one years, which enumeration shall be sworn to by the clerk of such board of education.

Annual appor-
tionment and
payment by
state treasurer
to treasurer of
such board of
education.

SECTION 3. The state treasurer is hereby authorized and directed to apportion and pay out of "the state common school fund" annually to the treasurer of the board of education of any such district, in which a school or schools shall be established in accordance with the provisions of this act, the sum of one hundred and fifty dollars for each deaf child, and those defective in speech and unable by reason of said defects to attend the public schools provided for children that can hear within such districts, as is shown by the enumeration provided for in the preceding section, and whatever fund may be necessary in excess of the amount received from the state treasurer

for defraying expenses of such school provided by such boards of education, shall be paid out of the general fund levied and collected for maintaining the public schools in any such city districts of the first and second grade of the first class.

SECTION 4. The money received from the state treasurer as provided in section three of this act, shall be kept separate and distinct from all other funds by the treasurer of such board of education and shall be known as "the fund for the support of schools for the deaf," and shall be paid out for no other purpose than for the establishment and maintenance of schools for the deaf, as herein provided.

Fund for support of schools for the deaf.

SECTION 5. The board of education of such district is hereby authorized and directed to set aside annually from "the fund for the support of schools for the deaf" a sum of money sufficient to pay car fare for deaf children who are unable to attend such school on account of being unable to pay their way to and from such school, and the same shall be distributed to such children in such manner and to such extent as the board of education of such district may provide.

Car fare of deaf children to be paid by board.

SECTION 6. Except as provided in this act, such schools shall be controlled in all respects in accordance with an act entitled "An act to provide for the reorganization of boards of education in the city districts of the first and second grade of the first class," passed March 8, 1892, with all the amendments thereto.

Schools to be controlled by what laws.

SECTION 7. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed April 21, 1898.

146G

[Senate Bill No. 76.]

AN ACT

To appropriate funds for the construction of sewers for the drainage of certain territory in and adjacent to New Bremen, Ohio, said drainage being rendered necessary by the construction and maintenance of the Miami and Erie canal.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the sum of twenty-five hundred (\$2500) dollars be and the same is hereby appropriated for the purpose of paying a part of the cost of constructing necessary sewers for the drainage of certain territory within and adjacent to the village of New Bremen, Ohio, said proposed drainage being rendered necessary by reason of

Appropriation for construction of certain sewers at New Bremen.

[the] fact that the Miami and Erie canal obstructs a natural watercourse and causes great damage by the overflow of said territory.

How route to be determined.

SECTION 2. Said sewers shall be constructed upon the route to be hereafter mutually agreed upon between the engineer in charge of said work for the state and the council of said village of New Bremen.

Construction to be made under supervision of state engineer.

SECTION 3. The construction of said sewers shall be under the supervision of an engineer to be designated by the board of public works, and the said funds hereby appropriated shall be paid out as said work progresses, and only upon the order of the engineer in charge of said work for the state.

Appropriation for flood-gate at Lockbourne.

SECTION 4. That the sum of five hundred dollars (\$500) be and the same is hereby appropriated for the purpose of constructing a flood-gate near the village of Lockbourne, Franklin county, Ohio, to prevent the breaking of the canal bank in times of high water.

Appropriations payable from general revenue fund.

SECTION 5. Said sums are to be paid out of any funds in the state treasury to the credit of the general revenue fund not otherwise appropriated.

SECTION 6. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,

Speaker of the House of Representatives

ASAHEL W. JONES,

President of the Senate

Passed April 21, 1898.

147G

[House Bill No. 580.]

AN ACT

To make sundry appropriations.

Appropriations for certain persons.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated out of any money in the state treasury to the credit of the general reserve fund, not otherwise appropriated, the following sums for services rendered to the state of Ohio, viz: To Daniel J. Ryan \$1,000 and H. M. Daugherty \$500, for attorney fees; to Opha Moore \$292, Geo. C. Blankner \$197.80, T. M. Patterson \$118, D. L. Beall \$55 and Thomas C. Brinsmade \$452, for stenographic work, constable and witness fees in the case of state of Ohio ex rel. F. S. Morrett, attorney-general, vs. the Royal insurance company, et al.; to Wilber E. King, \$250, attorney fees in the state of Ohio vs. C. H. Ganson and Louis H. McLain, and to Francis I. Brown, \$130, and James C. Walker, \$10, for stenographic constable and witness fees in same cases, and to H. H. McCracken \$76.85 cost bill for depositions taken in beha-

of state in the case of the state of Ohio ex rel. vs. Louis H. McLain, sheriff of Champaign county, Ohio.

SECTION 2. This act shall take effect and be in force on and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 21, 1898.

148G

[House Bill No. 462.]

AN ACT

To amend sections 2966-22 (section 9) and 2966-26 (section 13) of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections nine (9) and thirteen (13) of the ballot law, as amended April 25, 1893, be amended so as to read as follows:

Conduct of elections:

Sec. 9. Certificates of nomination and nomination papers of candidates for presidential electors and state offices shall be filed with the secretary of state not less than thirty days previous to the day of the election at which the candidates are to be voted for; certificates of nomination and nomination papers for the nomination of candidates for county offices shall be filed with the deputy state supervisors not less than twenty days previous to the day of election; certificates of nomination and nomination papers for the nomination of candidates for offices to be filled by the electors of a district lying within a county shall be filed with the deputy state supervisors of the county; and for offices to be filled by the electors of a district, circuit or subdivision of a district, composed of two or more counties, with the chief deputy state supervisor of the county in the district, circuit or subdivision containing the greatest number of inhabitants, as ascertained by the last federal census, not less than twenty-five days previous to the day of election; certificates of nomination and nomination papers for the nomination of candidates for township or municipal offices, or members of the board of education, shall be filed with the deputy state supervisors not less than fifteen days previous to the election; certificates of nomination and nomination papers for municipal officers and for members of boards of education in municipalities situated in two or more counties shall be filed with the board of deputy state supervisors of the county containing the majority population of said municipality not less than fifteen days previous to the election; provided, that in cities where the voters are registered, the nomination of city

Filing of certificates of nomination and nomination papers.

Transmission of
certified copies
of certificates of
nomination.

Municipalities
having registra-
tion.

Repeals, etc.

officers shall be filed with the city board of elections not less than fifteen days previous to the day of such election.

Sec. 13. Immediately upon the expiration of the time within which certificates of nomination may be filed with him, the secretary of state shall certify copies of all the nominations so filed to the several deputy state supervisors; and the chief deputy state supervisor of the district, circuit or subdivision with whom the certificate of district, circuit or subdivision nominations has been filed shall immediately certify the same to the deputy state supervisors in all the other counties in such district, circuit or subdivision. In municipalities having registration shall be the duty of the city board of elections to immediately certify to the deputy state supervisors copies of all certificates that have been filed with said board.

SECTION 2. That said sections nine and thirteen are hereby repealed, and this act shall take effect and be in force from and after its passage.

JOHN E. GRIFFITH.

Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES.

President of the Senate.

Passed April 21, 1898.

149G

[House Bill No. 549.]

AN ACT

To amend section 2672-19 of the Revised Statutes (Bates' page 1355) section 19.

Licenses, etc.:

License of ped-
dlers, etc., in
Cincinnati.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section (2672-19) 19 be amended to read as follows:

(2672-19) Sec. 19. Peddlers or hawkers of produce or goods from vehicles drawn by animal power shall pay a license fee of twenty-five (\$25.00) dollars per annum; and those selling goods from vehicles drawn by hand or carried by one or more persons shall pay a license fee of five (\$5.00) dollars per annum. Peddlers or hawkers of meat, fish, game, poultry, oysters, vegetables, fruit, candies, groceries, produce or dairy products, from stands, shall pay a license fee of fifteen (\$15.00) dollars per annum. Provided, that any person selling agricultural produce of his own raising shall not be liable for license for selling or hawking or peddling the same in any mode or manner in the markets, public streets or alleys of said city, and, provided further, that the city auditor shall have authority to grant free or charity license to peddle from vehicles drawn by hand or carried by one person, to indigent persons residents of said city, upon receiving a certificate of recommendation, signed by the members of the board of legi-

lation representing the ward in which said applicant resides, or from some regularly organized charitable association, and the production of satisfactory information of the inability of such person to pay for said license; and, provided further, that the said city auditor, upon the application of any honorably discharged soldier or sailor, who is a citizen of such corporation, shall grant to such soldier or sailor, a free license to engage in the business of hawking, peddling or vending from vehicles drawn by hand, or carried by one person, any goods, wares or merchandise, by traveling from house to house, when there is furnished to said city auditor satisfactory evidence of an honorable discharge from the military or naval service of the United States; and, provided further, the provisions of this section shall not be construed as applying to residents of Ohio who are non-residents of Hamilton county, making not more than weekly trips and carrying or hauling produce, poultry or other farm products, the same having been purchased directly from farmers. It shall, however, be competent for such city auditor issuing such license, to revoke and cancel the same whenever it is shown, to his satisfaction, that such person has been guilty of any wrongful act in connection with any such business, or is not otherwise a fit person to be engaged in such business. Such persons so licensed without cost, and engaged in such business, shall, in all other respects, comply with the laws of the state and the ordinances of such corporation, and a failure so to do shall be a sufficient cause to revoke and cancel any such license. [91 v. 420; 90 L. L. 271; 89 v. 267; 81 v. 77; 80 v. 129, 132].

SECTION 2. This act shall take effect and be in force from and after its passage.

JOHN E. GRIFFITH,

Speaker pro tem. of the House of Representatives.

ASAHIEL W. JONES,

President of the Senate.

Passed April 21, 1898.

150G

[House Bill No. 753.]

AN ACT

To amend sections 3996 and 3998, and to amend and supplement section 3999 of the Revised Statutes of Ohio, as amended April 30, 1891.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 3996 and 3998 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 3996. For the purpose of increasing and maintaining the school library of city districts, except in those city districts containing cities of the first grade of the first

School-houses
and libraries:

Levy for libraries
in cities:

class, the board of education may levy annually, a tax of one-tenth of one mill on the dollar valuation of the taxable property thereof, to be assessed, collected and paid in the same manner as are the other school taxes of such district.

Board may appoint librarian, etc.

Sec. 3998. The board, except in city districts containing a city of the first grade of the first class, may appoint a librarian, fix his compensation, and make all needful rules and regulations for the management of the library, to which every family resident in such city district, save as hereinbefore excepted, shall have access.

SECTION 2. That section 3999 of the Revised Statutes of Ohio be amended so as to read as follows:

In certain cities board may appoint managers of library.

Sec. 3999. In cities not having less than twenty thousand inhabitants, the board of education having custody of any public library therein, may, at any regular meeting, adopt a resolution providing for a board of managers of such library, and shall thereupon elect by ballot, two persons to serve as members of such board for a term of three years, two persons to serve for a term of two years, and two persons to serve for a term of one year; and annually thereafter two persons shall be elected to serve for a term of three years; all vacancies in such board shall be filled by the board of education by ballot, and a person so elected shall serve during the unexpired term of his predecessor; the president of the board of education shall be a member of the board of managers, ex officio; and the board of managers shall at all times be amenable to and under the control of the board of education, as to tenure of office and authority, and shall serve without compensation; provided, that in cities of the first grade of the first class upon the expiration of the terms of office of the trustees of the public library therein, heretofore appointed under this section, as amended April 30, 1891, there shall be appointed as successors to said board, a board of trustees of said library consisting of seven persons, as follows: Two by the board of education of the school district within which such city is situated, two by the board having charge of the high schools of such city, two by the directors of the university in such city, one of each of said appointees shall hold his office for two years, and one for three years; and one by the judges of the court of common pleas of the county within which such city is situated, who shall hold his office for a period of three years; and thereafter said boards and said judges shall, upon the expiration of the terms of office of said appointees, and each three years thereafter, appoint successors to said trustees. The appointee aforesaid of the judges of the court of common pleas shall succeed in said board of trustees the president of the board of education, who theretofore was, by virtue of his said office, a member of said board of trustees, and thereafter the right of such president of said board of education aforesaid of membership in said board of trustees of said library shall cease. All vacancies in said board of trustees of said library shall

Board of trustees in Cincinnati; how appointed; terms.

Vacancies.

be filled by the respective bodies having the power of appointment. Provided, however, that nothing herein shall be construed in any wise to abridge the term of office or curtail the powers or duties of the trustees of the public library in cities of the first grade of the first class, appointed under this section as amended April 30, 1891, during the terms of office for which they were appointed.

SECTION 3. That section 3999 of the Revised Statutes of Ohio be supplemented with sectional numbering as follows:

Sec. 3999a. Each and every resident of the county within which is situate any city of the first grade of the first class, having therein established a public library, shall be entitled to the free use of such library, reading rooms, and any branch of the same, and all the privileges thereof, upon such terms and conditions not inconsistent therewith, as the board of trustees of such library may prescribe.

Residents of Hamilton county entitled to use of city library.

Sec. 3999b. The board of trustees of the public library in cities of the first grade of the first class shall have sole and exclusive charge, custody and control of the public library in such city, including all property, both real and personal, used and occupied by such library, whether acquired heretofore or hereafter, and shall have full power to make all rules and regulations necessary for the proper government, maintenance, care and management thereof, and to provide therefor. Said board of trustees shall have power over, and exclusive control of, the library fund hereinafter provided for, and of the expenditure of all moneys collected to the credit thereof. They shall have power and it shall be their duty to establish in said city and throughout the county within which is situated said library, reading rooms, branch libraries and library stations in connection with said library, and to lease and furnish said rooms, buildings or parts thereof as are required for such purposes, and to pay all necessary expenses connected therewith. They shall have power, and it shall be their duty to purchase and pay for all books, periodicals, magazines and other literature and supplies necessary, in their judgment, for said public library, reading rooms, branch libraries and library stations, and to incur the necessary expenditures for the encouragement and advancement of the best use of such library, reading rooms, branch libraries and library stations by the public; all such purchases, payments and expenditures to be made out of said library fund hereinafter provided for. They shall have power, and it shall be their duty, to employ a librarian, assistant librarians, and other necessary assistants for such public library, reading rooms, branches and stations, to fix the compensation of persons so employed, and to pay the same out of said library fund. Said library board may fix the term of any such person employed by them for any period not to exceed one year.

Powers of trustees in Cincinnati.

Employment of librarian and assistants.

**Tax for library
purposes in Cin-
cinnati.**

Sec. 3999c. For the purpose of increasing, maintaining and managing the public library in cities of the first grade of the first class, the board of trustees thereof may levy annually a tax of not to exceed three-tenths of one mill on each dollar valuation of the taxable property in the county wherein is situated such city, to be assessed, collected and paid in the same manner as are other taxes levied throughout the county. Said levy shall be certified by said board of trustees to the auditor of the county in which said city is situated, and shall be placed by said auditor on the tax duplicate and collected as other taxes. The money realized from said levy, and all moneys received or collected by said trustees for the library, shall be placed in the treasury of said county, subject to the order of said board of trustees of said library. Said fund shall be known as the library fund of said county, of which the county treasurer shall be the custodian, and no money shall be drawn therefrom, except upon the requisition of the board of trustees of said library, certified by the president and secretary of said board, directed to the county auditor, who shall draw his warrant upon the county treasurer therefor. Any part of said funds unexpended during any year shall remain to the credit of said library fund.

**Disposition of
unexpended
funds heretofore
raised for li-
brary purposes
in Cincinnati.**

Sec. 3999d. The amount of any fund heretofore raised by a levy or tax by the board of education in such city for school library purposes, and all library funds remaining unexpended, shall be transferred from the respective funds to the library fund herein created, to be expended and paid out as herein provided for funds produced by a levy made by said board of trustees, and any and all funds, bonds, stocks or other species of property held by the board of education of such city, or by any of the departments of such city for the benefit of the public library thereof, shall be transferred to the board of trustees of such public library, to be held and controlled by them subject to the terms of the respective donations.

Repeals.

SECTION 4. That sections 3996, 3998 and 3999, as amended April 30, 1891, be and the same are hereby repealed.

SECTION 5. That this act shall take effect and be in force from and after its passage.

JNO. E. GRIFFITH,
Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 21, 1898.

151G

[House Bill No. 682.]

AN ACT

For the establishment of a battalion of engineers in the Ohio national guard.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there shall be allowed, in addition to the forces of the national guard of the state of Ohio as now provided by law, a battalion of three companies of engineers, of a total strength not exceeding two hundred and twenty-five officers and men, which battalion shall be so officered as the commander-in-chief may, from time to time, direct.

Engineers battalion of the national guard.

SECTION 2. The battalion of engineers shall conform, as closely as may be, to the drills and exercises customary with the corresponding arm of the United States service; and shall be conducted by and be subject to all the laws, rules and regulations made and provided for the national guard of Ohio, and the code of discipline now established.

Drills and exercises, etc.

SECTION 3. This act shall take effect from and after its passage.

HARRY C. MASON,

Speaker of the House of Representatives.

ASAHIEL W. JONES,

President of the Senate.

Passed April 21, 1898.

152G

[House Bill No. 810.]

AN ACT

To amend section 2689a of the Revised Statutes of Ohio, as amended April 24, 1896 (92 O. L., 312).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2689a of the Revised Statutes of Ohio, as amended April 24, 1896 (92 O. L., 312), be amended so as to read as follows, viz.:

Finance and taxation:

Sec. 2689a. The aggregate of all taxes levied or ordered by any other municipal corporation than cities of the first grade of the first class, including the levy for general purposes above the tax for the county and state purposes, and excluding the tax for school and school-house purposes, and in villages of the first class any tax levied for the creation of a library fund as provided in an act passed March 15, 1892, entitled "An act to provide for the creation of library boards for certain cities and villages, and prescribing the duties of such boards," shall not exceed in any one year, in cities of the second grade of the first class, nine and three-tenth mills; and for paving streets, seven-tenths of one mill; and for park purposes five-tenths of

Maximum of municipal taxes allowable in municipalities other than Cincinnati.

one mill; and for sewer purposes three mills; and for garbage disposal purposes, five-tenths of one mill; and such further rates as may be necessary to pay the interest on the public debt, and to create a sinking fund as provided in section two thousand seven hundred and twelve; in cities of the third grade of the first class, sixteen mills; provided, however, that out of the proceeds of such levy the interest on the indebtedness of such corporation shall first be paid; and annually not less than two (2) mills of the remainder shall be levied for sinking fund purposes; in cities of the first and second grades of the second class, eight mills, and in addition thereto, such further rate not exceeding five-eighths of one mill, as may be necessary to create a sinking fund for the payment of the principal and interest of the bonds of such cities that may hereafter be issued for the purpose of building and maintaining main trunk sewers in said cities; in cities of the third [grade] of the second class ten, and in cities of the third grade *a* of the second class ten mills; provided that in cities of the third grade of the second class, which by the federal census of 1880 had a population exceeding (15,800) fifteen thousand eight hundred, such cities, for the purpose of constructing wharves and landings and keeping the same in repair, are authorized to levy such further sum, not exceeding eighteen mills in all, as may be necessary to provide a fund for the construction and keeping in repair of such wharves and landings; in cities of the fourth grade of the second class, nine mills; in villages of the first class eight mills, and in all other villages ten mills on each dollar of the value of any property as valued for taxation on the county tax-list; provided, however, that in all cities of the fourth grade of the second class, such further rate may [be] levied in addition to the foregoing limitation as will enable the cities to comply with any contract entered into by such cities or any of them, under the provisions of section two thousand four hundred and thirty-four, as amended January 29, 1885 (O. L., vol. 82, page 11); and also provided that the councils of the municipalities mentioned in this section shall, annually at the time the rate of levy is fixed, provide by ordinance for the distribution of the tax among the several departments of the corporation in such proportion to their needs as the council may deem necessary; and at no time thereafter shall the amounts specified as necessary for the purposes named, be changed and all transfers of funds from one account to another are hereby expressly prohibited; provided, however, that nothing in this section shall be construed or considered as prohibiting the council of any incorporated village from transferring by resolution or ordinance, any surplus or part of surplus now or hereafter existing in the police fund of such village, arising from the special tax known as the Dow law tax, to any other fund or funds of the same, for the uses for which such other fund or funds are established.

Distribution of
such taxes.

Surplus in vil-
lage police fund
arising from
Dow law tax.

SECTION 2. That said section 2689a of the Revised Statutes of Ohio, as amended April 24, 1896, be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 21, 1898.

153G

[Senate Bill No. 84.]

AN ACT

To amend section 2491d (1) Revised Statutes of Ohio as enacted March 17, 1893 (90 O. L., page 102).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2491d (1) Revised Statutes of Ohio, as enacted March 17, 1893 (90 O. L., page 102), be amended so as to read as follows:

Gas companies:

Sec. 2491d (1). The members of said boards shall give bonds as provided by law, in the sum of not less than five thousand dollars (\$5,000) each and shall each receive a compensation for services of three dollars (\$3) for each day that he is employed in his official duties, and five cents per mile when traveling on official business, with an allowance of two dollars (\$2) per day for hotel expenses in connection therewith when his official duties take him out of such city, provided, that not more than one day's compensation shall be received for any calendar day; payable out of the natural gas fund of such city within forty (40) days.

Bond and compensation of members of board in Toledo.

SECTION 2. That supplementary section 2491d (1) Revised Statutes, passed March 17, 1893 (O. L. 90, page 102), be and the same is hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after the expiration of the respective terms of the present incumbents.

When act takes effect.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 21, 1898.

154G

[Senate Bill No. 167.]

AN ACT

To amend section 719 of the Revised Statutes¹. (O. L., vol. 89, page 241).

Asylums for the insane:

Costs and fees in inquests of insanity.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 719 of the Revised Statutes (O. L., vol. 89, page 241), be amended so as to read as follows:

Sec. 719. The taxable costs and expenses to be paid under the provisions of this chapter shall be as follows: To the probate judge with whom the affidavit is filed, the sum of two dollars for holding an inquest; for each warrant, certificate or subpoena he necessarily issues, the same fees as are allowed by law to the clerk of the court of common pleas for similar services; and the amount of postage on all communications to and from the superintendent which the judge is required to pay; to the medical witness who makes out the certificate, two dollars, and witness fees such as are allowed by law in other cases; to the witnesses and constables, the same fees as are allowed by law for like services in other cases; to each person employed by the probate judge to commit a lunatic to the county infirmary, seventy-five cents per day; to the jailor for keeping an idiot or insane person, thirty-five cents per day; to the sheriff, or other person, other than an assistant, for taking an insane person to a state hospital, or removing one therefrom upon the warrant of the probate judge, mileage at the rate of five cents per mile, going and returning, and seventy-five cents per day for the support of each patient to or from the hospital, and to one assistant five cents per mile, each way, and nothing more, for said services, the number of miles to be computed in all cases by the nearest route traveled; the costs specified shall be paid out of the county treasury, upon the certificate of the probate judge, provided that when it appears necessary to the sheriff at the time of conveying said person to the hospital, the condition of the patient requires the same, he shall be authorized to provide a conveyance for said patient from the nearest railroad station, except that in counties where state hospitals are located, the sheriff may provide a conveyance from the county seat, and the costs of the same shall be taxed in the bill of costs and paid as other costs in the case.

Repeals.

SECTION 2. That said section 719 be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 21, 1898.

155G

[Senate Bill No. 239.]

AN ACT

To amend sections 4497 and 4498 of the Revised Statutes of Ohio, as amended by an act passed March 25, 1898.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 4497 and 4498 of the Revised Statutes of the state of Ohio, as amended by an act passed April 6, 1893, be amended as to read as follows:

Sec. 4497. When any county ditch needs to be cleaned out, any owner of any tract or lot of land which was assessed for its original construction may make an application in writing to the county commissioners setting forth the necessity thereof, and there shall be filed with such application a bond payable to the state of Ohio, with one or more sureties thereon, to the satisfaction of said county commissioners, in the sum of one hundred dollars, conditioned for the payment of all costs if the prayer of such application be not granted; and upon the approval of such bond the commissioners shall fix a day when they will meet at the beginning point on said ditch, not less than ten days nor more than twenty days, and enter the same on their journal, and the said petitioner shall then give at least three days' written notice to all persons interested, of the time and place, when and where said county commissioners will meet to hear said application, and they may adjourn the hearing from day to day or to such time as necessity may require.

Sec. 4498. On the day named in said order, the county commissioners shall meet at the time and place named therein and determine by actual view of the said ditch and the premises along and adjacent thereto, whether the said ditch shall be cleaned out; and any person interested in said ditch may at that time file a petition with the said county commissioners, a petition asking for the tiling of the whole or any part of said ditch, and the county commissioners shall at the same time hear the said petition and may order the whole or any part thereof tiled and prescribe the dimensions of such tile, and they shall make their report in writing and enter the same upon their journal, and if they find that the said ditch does not need to be cleaned out, then they shall dismiss said application at the cost of the applicant and order the county auditor to collect the costs and expenses thereof by suit upon said bond if the same is not paid within twenty days from the date of said order; and if the county commissioners find that said ditch or any part thereof needs to be cleaned out, they shall by an order entered on their journal, appoint the county surveyor to go upon the line of said ditch and furnish him with the original specifications of said ditch, and fix the time when he shall file his report with the county auditor.

County ditches:

Cleaning out of ditch; petition and bond of landowner.

Commissioners to fix day of meeting.

Notice by petitioner to interested persons.

Examination by commissioners.

Petition for tiling ditch; hearing by commissioners and order.

Finding against petitioner.

Finding for petitioner.

Expense of
cleaning out
and tiling of
ditch; how ap-
portioned.

Report of sur-
veyor.

Finding for or
against survey-
or's report.

Sale of work;
bond.

Surveyor's re-
port on comple-
tion of contract;
payment of con-
tractor.

Itemized state-
ments of ex-
penses.

Repeals, etc.

The examiner, so appointed, shall, after being sworn, examine and reapportion the costs of cleaning the same out according to its original capacity, together with the costs of tiling the same if so ordered by the county commissioners, among all the parties benefited thereby, unless he shall find that the necessity for cleaning out has occurred by the act or neglect of any landowner along the line of said ditch, in which case such an act or neglect shall be considered; and he shall make a report of his proceedings to the county commissioners on or before the day so fixed by them, and on the day so fixed by them, the county commissioners shall meet at their office and hear any and all exceptions filed to said report; and if the county commissioners find that said report is fair and just, they shall approve and confirm the same, and if they find that the same is unfair and unjust, they shall amend the same so as to make the same fair and just and then approve and confirm the same, and shall, after having approved and confirmed the same, enter the same upon their journal, and the county auditor shall place the same upon the tax duplicate against the lands upon which they were assessed to be collected as other taxes, and said county commissioners shall then order the said surveyor or engineer to proceed to sell the work of cleaning the same out in sections bounded by farm lines, at public auction to the lowest bidder, and said surveyor shall fix the time in which each section shall be completed, and shall take a bond with good and sufficient surety, to be approved by him for the faithful performance of such contract, and when the whole of said work is completed, he shall make a report thereof to the county commissioners, who shall approve of the same, and the contractor shall be paid on the warrant of the county auditor on the county treasurer, out of the assessments so made and paid upon the certificate of such surveyor, that he has performed his contract, but if at the presentation of any certificate, all assessments have not been made, payments shall be made thereon pro rata. Said examiner shall return to the county commissioners an itemized statement of all expenses incurred in the cleaning out of said ditch, including the sum of \$4.00 per day for his services, and \$1.50 per day for all necessary help.

SECTION 2. That said sections 4497 and 4498, as amended March 25, 1898, be and the same are hereby repealed, and this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 21, 1898.

156G

[Senate Bill No. 291.]

AN ACT

To amend section 1061, Revised Statutes of Ohio, as enacted May 18, 1894 (O. L., vol. 91, p. 302), and to provide for a city sealer of weights and measures in cities of the third grade, first class.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1061, Revised Statutes of Ohio, as enacted May 18, 1894 (O. L., vol. 91, p. 302), be and the same is hereby amended so as to read as follows:

Sec. 1061. Every county sealer of weights and measures may appoint by writing under his hand and seal a deputy, who shall compare weights and measures brought to the office of the county sealer for that purpose, with the copies of the original standards in the possession of the county sealer, and who shall receive for the performance of that duty, the compensation in each case provided by law; provided, however, that in cities of the third grade of the first class there shall be appointed by the mayor, and confirmed by the common council, one sealer of weights and measures, a competent person for the position, who shall receive a salary of fifteen hundred (\$1,500) dollars per annum, to be paid by the city, and which shall be in lieu of all fees or charges otherwise allowed by law. Such sealer shall hold his office for a term of two years and until his successor is appointed and qualified, and he shall be authorized to appoint a competent deputy, at his own expense, to assist him in the performance of his duties. Before entering on his duties, such sealer shall take the oath of office required by law, and give a bond to the city, conditioned for the faithful performance of his duties, with security, to the approval of the common council, in the sum of one thousand (\$1,000) dollars. State sealer of weights and measures, as provided in section 145, Revised Statutes of Ohio, shall furnish, for the use of such sealer, all necessary and approved standard measures, and also all standard weights required, under fifty pounds, with necessary subdivisions. Such sealer shall furnish, at his own expense, not less than two thousand pounds of standard weights to be used in testing wagon and other large scales, and shall use not less than one thousand pounds in testing wagon scales, and not less than two thousand pounds in testing railroad track scales. It shall be the duty of the sealer to faithfully devote his time to the performance of the duties of his office, and to test all weights, measures, scales, beams, steelyards, and other machinery used for weighing or measuring, within such city, at least once in every year; and, upon being notified, in writing, by any person that any weight, measure, scale, beam, steelyards, or other machinery for weighing or measuring any article intended to be purchased or sold in such city, is inaccurate, or believed to

County auditor:

Deputy sealer of weights and measures; appointment; duties; compensation.

Sealer of weights and measures in Toledo: appointment; salary; term; deputy.

Oath: bond.

State sealer to furnish copies of standards.

Sealer to furnish standard weights.

Duty of sealer.

Sealer has police powers.	be so, or not according to the standard, to at once make an examination of the same; and in the exercise of such duties he shall have full police powers to enforce any and all reasonable measures for testing such weights and measures, and also in ascertaining whether false or short weights and measures are being given in any sales or transfers of articles of merchandise taking place within such city; and after he shall have found such weights and measures to be correct and according to the standard prescribed by law, he shall seal or mark the same with a stamp, or by pasting a card thereon, as he may deem most proper, with the letters "C. S.," the initials for "City Sealer," which said cards and seals shall be provided by the city. If such sealer shall find, upon examination of any weights or measures used by any person, that the same do not conform to the standard prescribed by law, he shall have authority to confiscate such weights or measures and destroy the same. No person shall use weights, measures, scales, beams, steelyards, or other machinery for weighing or measuring any article intended to be purchased or sold in such city, or any weight or measurement in which other persons or the public are interested, which do not conform to the standards prescribed by law. No person shall give or direct or permit any person in his employ to give any, false or short weight or measure in the sale or transfer of any property in such city, whereby any person may be defrauded or injured. No person shall alter or permit to be altered, or knowingly use or permit to be used, after the same shall have been altered, any weight, measure, scale, beam, steelyards, or other instrument for weighing or measuring, after the same shall have been tested, marked and sealed, which, by reason of such alteration, shall not conform to the legal standard. It shall be the duty of every person or persons, when called upon, to exhibit to such sealer all weights, measures, scales, beams, steelyards, or other machinery by them used or intended to be used for weighing or measuring any article or commodity, bought or sold, and permit said sealer to examine, test and mark the same. Any person violating any of the provisions of this act, or any section thereof, shall, upon conviction thereof in any court having jurisdiction thereof, be fined not less than five (\$5.00) dollars nor more than twenty-five (\$25.00) dollars for the first offense, or imprisoned not more than thirty days, or both; and, upon conviction for any subsequent offense, shall be fined not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100.00) dollars, or imprisoned not more than sixty days, or both, and shall stand committed until such fine and costs are paid.
Approval of weights or measures.	
Confiscation and destruction of unlawful weights and measures.	
Use of weights, measures, etc., not standard prohibited.	
False or short weight or measure.	
Altering weight, measure, etc.	
Persons required to exhibit to sealer weights, measures, etc., for examination, testing and marking.	
Penalty.	
Repeals.	SECTION 2. That said section 1061, Revised Statutes of Ohio, as enacted May 18, 1894 (O. L., vol. 91, p. 302), be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 21, 1898.

157G

[House Bill No. 789.]

AN ACT

To provide for the licensing of bicycles and the construction and repair of bicycle paths.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever in any year the county commissioners of any county shall declare it desirable to construct or repair bicycle paths on any of the highways of such county and shall have published notice of such declaration for ten days in a newspaper of general circulation in the county, every person residing in such county shall procure a license and pay the sum of one dollar for each bicycle owned by him and used on the highways of such county.

License upon
bicycles.

SECTION 2. Licenses granted under this act shall date from the first day of June in the year in which they are issued, and shall be good for one year from that date.

Life of license.

SECTION 3. Licenses shall be obtained from the county auditor, who shall sign and issue the same, designating therein the person to whom and the bicycle for which it is issued; and he shall keep a book designated "bicycle book," in which he shall enter in alphabetical order the name and residence of persons to whom licenses have been issued, the number of the license and the year for which issued, and he shall furnish with each license a metal tag of suitable form and design and bearing the number of the license.

From whom
obtained.

Record of
licenses.

Metal tag to
accompany
license.

SECTION 4. All moneys received for such licenses shall be paid monthly into the county treasury to the credit of the bicycle fund, and shall be used by the county commissioners in the construction and repair, or either, of bicycle paths on the highways, or any of them, of such county, and in paying for the printing of the licenses and cost of said book and tags, and for no other purpose.

License money
to be used in
construction
and repair of
bicycle paths,
printing, etc.

SECTION 5. The paths herein provided for may be constructed on any of the highways of such county, and shall be constructed outside or along one side of the traveled roadway.

Construction of
paths.

SECTION 6. Every person using any bicycle upon any of the highways of any such county for which a license fee is required to be paid by the provisions of this act shall

Bicyclist to
exhibit tag on
wheel.

exhibit upon the left side of the front fork of such wheel the metal tag furnished by the auditor.

Penalties.

SECTION 7. Any person who shall intentionally and without necessity therefor ride or drive an animal or drive a vehicle drawn by an animal upon or along any such path or any person who shall violate the provisions of section of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than fifty (\$50) dollars, which shall be paid into said bicycle fund.

SECTION 8. This act shall take effect and be in force from and after its passage.

JOHN E. GRIFFITH,
Speaker pro tem. of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed April 21, 1898.

158G

[Senate Bill No. 223.]

AN ACT

To amend an act entitled "An act to amend 'an act to authorize the issuing of bonds and levying of special assessments for pay for laying water-pipes in municipal corporations situated in counties containing cities of the second grade of the first class,'" passed and took effect March 29, 1892. (89 O. page 163.)

**Assessments for
laying water
pipes in munici-
palities.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in all municipal corporations, except cities of the first class, whenever in the opinion of the council or board of trustees, it is necessary as a means of protection against fires, or upon the recommendation of the board of health of such corporation, when in its opinion it is necessary as a sanitary measure, or whenever a petition subscribed by a majority in frontage interests of the owners of property bounding or abutting upon a street or highway of any description, between designated points, is presented to the council, or board of trustees, requesting the laying of water-pipes or mains in such street or highway between such points, the council or board of trustees is hereby authorized to levy and assess the cost thereof upon the lots or parcels of land bounding or abutting upon such street or highway between the points designated, by the front foot, or according to the valuation of the same on the tax duplicate, or according to benefits derived, the council or board of trustees may by ordinance determine, not to exceed twenty-five per centum of the actual value of the lots of lands after the water-pipes or mains are laid, and to issue the bonds or notes of the corporation bearing interest at a rate not exceeding six per centum per annum from the date of issue, payable semi-annual

**Issue of bonds
or notes.**

for the purpose of paying the cost and expense of laying such water pipes or mains until such assessment can be levied and collected; provided, that in making such assessments the council or the board of trustees shall be governed by the provisions of chapter 4, division 7 of title 12 of the Revised Statutes; provided, also, that guardians of infants, idiots, imbeciles, lunatics or drunkards may sign such petition on behalf of their wards when so authorized by the probate court on good cause shown.

Provisions governing making of assessments.

Signing of petition by guardian.

SECTION 2. Said act to amend said act as passed March 29, 1892, is hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 21, 1898.

159G

[Senate Bill No. 519.]

AN ACT

To amend section 5 of an act entitled "An act to authorize the improvement of public roads in certain townships by the township trustees thereof," passed March 19, 1891 (O. L., vol. 88, page 144).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 5 of an act entitled "An act to authorize the improvement of public roads in certain townships by the township trustees thereof," passed March 19, 1891 (O. L., vol. 88, page 144), be amended so as to read as follows:

Roads in Polk township, Crawford county.

Sec. 5. If at such election a majority be found in favor of the policy of the improvement of the public roads of such township by general taxation, the trustees of such township shall appoint three freeholders of such township, at least two of whom shall reside within the corporate limits of such city, to designate and determine the established roads of such township which should, in their opinion, be improved; but no public highway within the corporate limits of such city shall be so designated unless it forms a junction with a public road extending to and beyond the limits of such township. The commissioners shall call to their aid a competent engineer, who shall make a correct map of the township, plainly showing the established roads of such township which have been by such commissioners designated for improvement, and also profiles of such roads, showing the grades thereof as they then exist, which he shall turn over to the custody of the township clerk. Provided, that as to all public roads which may be established in any such township after the making and filing of the final report of such commissioners, and as to all undesig-

Appointment of road commission.

Engineer to make township road map and profiles of roads.

When township trustees to act in place of commissioners.

nated roads extending into adjoining townships, when the part of the road in the adjoining township has been improved by piking the same, the trustees of such township shall thereafter be authorized to act in the place of such commissioners, and shall have like power to, in like manner, designate any or all such roads, as may to them appear judicious, for such improvement, and like proceedings shall be had as herein, and in the act to which this is amendatory provided.

Repeals.

SECTION 2. That said original section 5 be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives
ASAHEL W. JONES,
President of the Senate

Passed April 21, 1898.

160G

[House Bill No. 785]

AN ACT

To amend section 1282a of the Revised Statutes, as amended April 27, 1896 (92 v. 329).

Prosecuting
attorney:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1282a of the Revised Statutes as amended April 27, 1896 (92 vol., 329), be amended so as to read as follows:

Solicitor of Cuyahoga county;
term; duties;
office; salary.

Sec. 1282a. There shall be elected triennially by the qualified electors of any county containing a city of the second grade of the first class, a solicitor, who shall be an attorney at law, and shall hold his office for three years from the first Monday in January next after his election; provided, that solicitors now in office shall serve during the term for which they were elected. He shall be the legal advisor and attorney of the board of county commissioners and other county officers of the annual and decennial boards of equalization, of the board of revision, of the township trustees, and all other township officers in every township in the county, except townships containing municipalities whose boundaries are coextensive with the boundaries of the township, in all other matters relating to their official duties, and he shall be required to prosecute or defend all suits and actions which said board of county commissioners may direct or which may be required to be brought by or which may be brought against any of said officers or any of said boards, and shall have all the powers and perform all the duties of the prosecuting attorney under sections 1274, 1276, 1277 and 1279 of the Revised Statutes. He shall prepare all contracts, bonds and other instruments in writing in

which the county is concerned, and shall indorse on each his approval of the form and correctness thereof, and no contract with such county or any of its officers shall take effect until he has indorsed thereon such approval. It shall be the [his] duty, whenever requested so to do, to give legal advice and to furnish opinions in writing to any county officer, and to any of said board with regard to their official duties, a record of which opinions shall be kept in his office. And when requested so to do, he shall attend all regular, adjourned or special meetings of said boards, and shall be entitled to protest against any action taken or contemplated by any of said boards, which protest shall be entered on the minutes of the meeting thereof. His office shall be at the seat of justice in his county, in such room or rooms as are provided by the board of county commissioners, and he shall receive a salary of \$3,000 per annum, payable monthly, out of the county treasury on the warrant of the county auditor.

SECTION 2. In Cuyahoga county, the solicitor now holding said office, or who may be hereafter elected to such office, shall appoint an assistant solicitor, and said assistant shall have full power to do and perform all duties imposed by law upon the solicitor of said county in his absence, and his term of office shall be the same as that of such solicitor; said assistant solicitor to receive \$2,500 per year, payable in the same manner as that of the solicitor.

Assistant solicitor; appointment; duty; term; salary.

SECTION 3. In Cuyahoga county, the solicitor now holding said office, or who may be hereafter elected to such office, may appoint a clerk, who shall be a competent stenographer, and who shall receive such salary as may be fixed by the county commissioners, not exceeding \$1,000 and not less than \$900 per annum.

Solicitor's clerk; appointment; qualification; salary.

SECTION 4. That section 1282a of the Revised Statutes, as amended April 27, 1896 (92 vol., page 329), and all other sections of these statutes in conflict with this act be and are hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed April 21, 1898.

161G

[House Bill No. 712.]

AN ACT

To amend section 3414 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3414 of the Revised Statutes of Ohio be amended so as to read as follows:

Railroad companies:

Certain rights of
way forfeited.

Sec. 3414. Where, upon an unfinished road, a right of way, or any part thereof, remains for ten years unused for railroad purposes, it shall be held forfeited, and shall revert to the owner of the land, unless at least twenty miles of the road have been completed by the company during that period, or unless an average of one thousand dollars per mile has been expended for construction before the expiration of said period of ten years.

Repeals, etc.

SECTION 2. Said section 3414 of the Revised Statutes, be and the same is hereby repealed, and this act shall take effect on and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 22, 1898.

162G

[Senate Bill No. 390.]

AN ACT

To amend section 2966-33 of the Revised Statutes of Ohio, being section 19 of an act, as amended April 25, 1893 (O. L., vol. 90, page 274).

Conduct of elec-
tions:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* (2966-33) section 19 be amended so as to read as follows:

Voting shelves
and guard-rails;
arrangement of.

[(Sec. 2966-33.) Sec. 19.] The deputy state supervisors shall provide a sufficient number of voting shelves at which electors may conveniently mark their ballots, so that in the marking thereof they shall be protected from the observation of others by cloth screens or other device, extending from the top of the booth to a level with or below the voting shelf, and a guard-rail shall be so constructed and placed that only such persons as are inside said rail can approach within six feet of the ballot-boxes or of such voting shelves. The arrangements shall be such that neither the ballot-boxes nor the voting booths shall be hidden from view of those outside the said rail. The number of such voting shelves shall be not less than one for every seventy-five electors qualified to vote at such polling place. No person other than the judges of election and such officers as are provided for by the statutes of this state or of the United States, and electors admitted as herein provided, shall be permitted within said rail, except by authority of the election officers, for the purpose of keeping order and enforcing the law. Each voting shelf shall be provided with proper supplies and conveniences for marking the ballot. After each election the judges of elections shall see that the booths, guard rails and other equipments are returned to the clerk of the township or corporation in which

Arrangement of
ballot-boxes and
voting booths.
Number of
shelves required.

Who permitted
within rail.

Supplies for
marking ballots.

Return of
booths, guard-
rails, etc.

the precinct is situated, for safe keeping, and it shall be the duty of such clerk to have such booths and equipments on hand and in place at the polling place in each precinct before the time for opening the polls on election day, and for this service the deputy state supervisors may allow the necessary expense incurred; provided, that where a board of elections is established by law, this duty shall devolve on such board.

Placing of such equipments for elections.

SECTION 2. Section 2966-33 of the Revised Statutes of Ohio, being section 19 of an act as amended April 25, 1893 (O. L., vol. 90, page 274), is hereby repealed. This act shall take effect and be in force from and after its passage.

Repeals, etc.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 22, 1898.

163G

[Senate Bill No. 86.]

AN ACT

To provide custodial care for the feeble-minded.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there shall be a custodial department established in connection with the Ohio institution for feeble-minded youth. That said department shall be entirely and especially devoted to the reception, detention, care and training of idiotic and feeble-minded children and adults, regardless of sex or color, and shall be so planned in the beginning, and constructed, as shall provide separate classifications of the numerous groups embraced under the terms idiotic and imbecile or feeble-minded. Cases afflicted with paralysis shall have a due proportion of space and care in the custodial department. It is specifically determined that the processes of an agricultural training shall be primarily considered in this department, and that the employment of the inmates in the care and raising of stock and the cultivation of small fruit, vegetables, roots, et cetera, shall be made largely tributary to the maintenance of the institution. Such other industries as the board of trustees and the superintendent may deem necessary and useful for the welfare of the inmates, and as tending to their proper employment, or as contributing to their development, discipline and support, may, from time to time, be added.

Establishment of custodial department at institution for feeble-minded youth.

SECTION 2. That in order to carry into effect the objects of section 1 of this act, the trustees of said institution shall purchase a tract of good, tillable land of not more than 1,500 nor less than 1,000 acres in area, and as con-

Purchase of land and erection of buildings.

Appropriations.

veniently located near the present institution, as may be, and to proceed, when appropriations are made therefor, in addition to the appropriation provided for in this act, to erect thereon the buildings necessary to carry out the objects and purposes of (section 1) of this act. Provided, that the cost of said buildings shall not exceed the sum of three hundred dollars per inmate to be accommodated. And for the purpose of carrying out the provisions of this section, that there be and is hereby appropriated from any money in the state treasury to the credit of the general revenue fund not otherwise appropriated, thirty-five thousand dollars for 1898 and thirty-five thousand dollars for 1899.

Cost of maintenance of children over fifteen years of age; how ascertained and paid.

SECTION 3. That all persons over the age of fifteen years who are now, or may hereafter become inmates of the custodial department of this institution, from any county in the state, may be charged by the trustees and superintendent of said institution against said county, a sum not exceeding the annual per capita cost to said county of supporting the inmates in its county infirmary of said county, as shown by the annual report of the board of state charities, and it shall be the duty of the county treasurers of all the counties to pay the annual drafts of the financial officer of said institution for the aggregate of the sums so chargeable against their respective counties, for the preceding year, for each and every inmate having a legal residence in said county retained in the custodial department of this institution; provided, however, that in each and every case where a parent, guardian, relative or friend of any inmate is under contract and able to pay, and does pay for the maintenance of any inmate, no charge or draft shall be made upon the treasurer of the county wherein such inmate has a legal residence. The county wherefrom an inmate was originally admitted, shall be taken and deemed for the purposes of this act as the legal residence of such inmate.

Cost of inmate under contract not to be charged to county.

Legal residence of inmate.

Admission under contract.

SECTION 4. Any parent or guardian who may wish to enter a child into said institution for treatment, culture or improvement, and pay all expenses of such care, may do so under terms, rules and regulations prescribed by the superintendent and approved by the trustees.

Admission of children to department.

SECTION 5. Said board shall receive as inmates of said custodial department feeble-minded children, residents of this state, under the age of fifteen years, who shall be incapable of receiving instruction in the common schools of this state, and adults of the same class, over this age, who are public charges. Said board shall prescribe, and cause to be printed, instructions and forms of application for the admission of such, and shall include therein interrogatories to which they shall require answers, under oath, showing such facts as may be needed for the information of said trustees. Such printed instructions and forms shall be furnished to all applicants for the admission of any

person or patient in whole or in part as a state beneficiary, and shall be endorsed by the probate judge of the county in which he or she resides at the time of the making of the application.

SECTION 6. Adults who may be determined to be feeble-minded, and who are of such inoffensive habits as to make them proper subjects for classification and discipline in an institution for the feeble-minded, can be admitted, on pursuing the same course of legal commitment as govern admission to the state hospitals for the insane.

Adults entitled to admission.

SECTION 7. That the probate judge of a county, in approving an application for the admission of a person to said institution, shall state whether or not such person has an estate of sufficient value, or a parent or parents of sufficient financial ability, to defray the expense, in whole or in part, of supporting such person in said institution, and if there be such means of support in part only, then the amount per month, which the parents or parent, or legal guardian of such person, may be able to pay; and the person or persons who make the application for such admission, shall therein make statement, under oath, as to such means of support. Said board of trustees, in accepting an application for the admission of any person, shall fix the amount, if any, which shall be paid for such support, according to the ability of the parents or parent of the person, or according to the value of such person's estate, if any, and shall require payment for such support, as far as there may be ability to pay, as a condition to the admission or retention of said person. Said amount may, at any time, be changed by said trustees, according to their information concerning such means of support. Where the indigence of the person or her or his family be such as to require his or her admission upon the full beneficiary fund of the institution, the ascertainment of the facts shall be as hereinbefore stated, and the support at the institution be provided for as in section 3 of this act.

Probate judge shall make statement as to the financial ability of person or parent to defray expense of support.

Statement of person making application.

Trustees to fix amount to be paid for support.

SECTION 8. Said board shall have authority to receive for the use of said institution, gifts, legacies, contract endowments, devises and conveyances of property, real or personal, that may be made, given or granted to for such institution, or in its name, or in the name of said board.

Gifts, legacies, endowments, etc.

SECTION 9. This act shall not be construed so as to abridge, limit or modify the authority, rights, or privileges conferred upon the institution for the education of feeble-minded youth by previous legislation in and for said institution.

Previous authority, rights or privileges of institution not abridged by act.

SECTION 10. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 22, 1898.

164G

[Senate Bill No. 416.]

AN ACT

To amend section 1 of an act entitled "An act relating to the care and maintenance of aged and infirm deaf and dumb persons," passed April 27, 1896 (O. L., 92, p. 419).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1 of an act entitled "An act relating to the care and maintenance of aged and infirm deaf and dumb persons," as passed April 27, 1896 (O. L., 92, page 419), be amended so as to read as follows:

Contract for care and maintenance of indigent aged or infirm deaf and dumb in home provided by association.

State board of charities may order removal of aged or infirm deaf and dumb person from county infirmary to home.

Repeals, etc.

Sec. 1. That any incorporated association organized for the purpose of providing a home for aged and infirm deaf and dumb persons may enter into a contract with the board of county infirmary directors of any county for the care and maintenance at such home of any aged or infirm deaf and dumb person who may be an inmate of the county infirmary, or who may, under the laws of the state, be entitled to admission thereto. And in every such case the county in which such infirmary is situated shall, during the period such person may remain in such home, pay to such association, annually, a sum equal to the per capita cost of maintaining inmates in the infirmary of such county. Provided, that wherever any such aged or infirm deaf and dumb person is maintained in any county infirmary in this state, and who, in the judgment of the board of state charities, should be removed from such infirmary to a home organized under provision of this section, that said board of state charities may order the removal of said person from said infirmary to said home; and where any such person is removed on the order of said board of state charities from an infirmary to said home, then the transportation of said person to said home and his (or her) maintenance shall be paid by the infirmary directors of said county infirmary as heretofore provided in this section.

SECTION 2. This act shall take effect and be in force from and after its passage, and said original section 1 of an act entitled "An act relating to the care and maintenance of aged and infirm deaf and dumb persons," passed April 27, 1896, is hereby repealed.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 22, 1898.

165G

[House Bill No. 574.]

AN ACT

To amend section forty-four hundred and fifty-five (4455) of the Revised Statutes of Ohio, as amended March 24, 1898.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section forty-four hundred and fifty-five (4455) of the Revised Statutes of Ohio be amended to read as follows:

County ditches:

Sec. 4455. The commissioners shall, also by their order, direct the county surveyor or engineer to make and return a schedule of all the lots and lands, and public or corporate roads or railroads that will be benefited, with an apportionment of the cost of location, and the labor of constructing the improvement, in money, according to the benefits which will result to each, and in apportioning the costs of such improvement the benefits to any lots or lands by diking the same in whole or in part shall be considered with other benefits, and a specification of the manner in which the improvement shall be made and completed, the number of flood-gates, waterways, farm crossings and bridges necessary, including kinds and dimensions thereof, and all county and township lines and railway crossings.

Engineer must report an assessment, etc., of cost of ditches.

SECTION 2. That said section number forty-four hundred and fifty-five (4455) of the Revised Statutes of Ohio is hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage; and shall affect pending proceedings or suits so far as the nature of the foregoing provisions are applicable.

Pending proceedings or suits affected by act.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAH W. JONES,
President of the Senate.

Passed April 22, 1898.

166G

[Senate Bill No. 503.]

AN ACT

To amend section 553 of the Revised Statutes of Ohio, as amended March 22, 1898.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section five hundred and fifty-three (553) of the Revised Statutes, as amended March 22, 1898, be and is hereby amended to read as follows:

Provisions for courts of record

Sec. 553. The court of common pleas and circuit court in any county, and the superior court in any city or county, and the insolvency court and probate court in any county containing a city of the first class, (except fourth

Court constables; appointment; duties.

Compensation.

grade), and of the first grade of the second class, may each appoint one or more constables to preserve order and discharge other duties as the court requires; and in any county containing a city of the second grade of the second class, the constables so appointed by the court of common pleas shall perform the same duties in the probate court; and each constable, when so directed by the court, shall have the same power to call and impanel jurors, which by law the sheriff of the county has, except in capital cases. The compensation of such constables shall be the same as that of regular jurors; except in the counties containing a city of the first grade of the first class and of the first grade of the second class, and of the second grade of the first class, the compensation of all court constables shall be one thousand dollars per annum each; and in counties containing a city of the second grade of the second class, or second class, third grade *b*, the compensation of each court constable shall be eight hundred dollars per annum, payable monthly; and in all counties having a population of not less than eighty-four thousand one hundred [and] fifty and not more than eighty-four thousand two hundred and fifty at the federal census of 1890, it shall be six hundred dollars per annum, and in counties containing cities of the third grade of the first class the compensation of such constables so appointed by the court of common pleas shall be six hundred dollars (\$600.00) per annum; and in all cases shall be paid out of the county treasury on the order of the court.

Repeals, etc.

SECTION 2. That section 553 of the Revised Statutes, as amended March 22, 1898, be and the same is hereby repealed; and this act shall take effect on its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAH W. JONES,
President of the Senate.

Passed April 23, 1898.

167G

[Senate Bill No. 25.]

AN ACT

To amend section 2505a of the Revised Statutes of Ohio, as enacted April 22, 1896 (92 O. L., p. 277).

Railways in corporate limits:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2505a of an act passed April 22, 1896, entitled "To amend and supplement section 2505a of the Revised Statutes of Ohio" (O. L., 92, page 277), be amended so as to read as follows:

Power to lease or purchase, to enter into beneficial arrange-

Sec. 2505a. Any corporation or company organized for street railway purposes, may lease or purchase any street railroad, or street railroads, or railroad operated as

a street railroad and by electric power or inclined plane railroad or railroads, together with all the property, real, personal and mixed, and all the franchises, rights and privileges respecting the use and operation of such railroad or railroads, situate or existing in whole or in part within this state, constructed and held by any other corporation or company, corporations or companies, the latter being hereby invested with corresponding power to let or sell upon such terms and conditions as may be agreed upon between the corporations or companies; and any two or more of such corporations or companies may enter into any agreement for their common benefit consistent with and calculated to promote the objects for which they were created. No such lease or purchase shall be perfected until a meeting of the stockholders of each of the companies has been called for that purpose by the directors thereof, on thirty days' notice to each stockholder, at such place, and in such manner, as is provided for annual meetings of the companies, and the holders of at least two-thirds of the stock of each company, in person or by proxy, at such meeting, or at any properly adjourned meeting, assent thereto. Provided that any stockholder who refuses to assent to such lease or sale and signifies the same by notice in writing to the lessee or purchaser within ninety days thereafter, shall be entitled to demand and receive compensation in the manner provided for the compensation of stockholders in sections 3302, 3303 and 3304 of the Revised Statutes, and the said sections are adopted and made to be a part of this section. Provided, that, whenever any such lease or purchase is made as herein provided, there shall be no increase of the existing rates of fare by reason of such lease or purchase nor shall any fare be charged upon any of the separate routes so leased or purchased in excess of the fare charged over such separate routes prior to the lease or purchase thereof, and provided that when any such lease or purchase is made as herein provided, the fare charged for one continuous route or ride in the same general direction over all such leased or purchased lines within any municipal corporation shall not exceed the maximum fare charged over any one of said lines prior to such lease or purchase.

ments, to purchase stock, etc.

Perfection of lease or purchase.

Rights of dissenting stockholder.

Increase of fare prohibited.

SECTION 2. That section 2505a of an act to amend and supplement section 2505a, of the Revised Statutes of Ohio, passed April 22, 1896 (92 O. L., page 277), be and the same is hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 23, 1898.

168G

[Senate Bill No. 455.]

AN ACT

To amend sections 2 and 6 of an act entitled "An act to provide for the abandonment of the Hocking canal and the leasing of the same to Columbus, Hocking Valley and Athens railroad company," passed May 18, 1894 (91 O. L., 327).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2 and section 6 of an act [entitled] "An act to provide for the abandonment of the Hocking canal and the leasing of the same to the Columbus, Hocking Valley and Athens railroad company," be and the same hereby is amended so as to read as follows:

Lease to Columbus, Hocking Valley and Athens railroad company; terms and conditions.

Sec. 2. There is hereby granted the right, franchise and privilege of constructing, maintaining and operating over, upon and along the Hocking canal and property of the state of Ohio adjacent thereto, a railroad, with single or double tracks, side tracks, switches, bridges, stations and other structures usual and incidental to the operation of a railroad, to the Columbus, Hocking Valley and Athens railroad company, its successors and assigns, for the term of ninety-nine years, renewable forever, for and in consideration of the payment by said company, its successors or assigns, to the treasurer of the state of Ohio on the first day of July, 1894, the sum of fifty thousand dollars, and on the first day of January, 1903, and of each and every year thereafter during the term of this lease, the sum of ten thousand dollars annual rental. Provided such company, or its assigns, shall, within thirty days after the passage of this act, file a written waiver with the auditor of state, releasing all claims to any amount of money already paid to the state by it or its assigns, and further waiving and releasing all claims to damages against the state by reason of any acts of the state heretofore taken.

When work of construction to be completed.

Sec. 6. The work of constructing said railroad shall be commenced within six months after the passage of this act, and the same shall be completed on or before the first day of October, A. D. 1900.

Repeals, etc.

SECTION 2. Said original sections 2 and 6 [are] hereby repealed and this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 23, 1898.

169G

[Senate Bill No. 285.]

AN ACT

To amend section 6963 as amended April 1, 1896 (92 O. L., page 117),
of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6963 as amended April 1, 1896 (92 O. L., page 117), of the Revised Statutes of Ohio be amended so as to read as follows:

Birds, fish and
game:

Sec. 6963. No person shall catch, kill or injure, or pursue with such intent, any wild deer, Mongolian, English or ring-neck pheasant, before the 10th day of November, 1900; or after said date, except between the 10th day of November and the 15th day of December inclusive. Provided, that nothing herein shall prevent persons from having in possession Mongolian, English or ring-neck pheasants, or deer in private enclosure for the purpose of domestication or propogation. And any person violating any of the provisions of this act, shall be guilty of a misdemeanor, and, on conviction, shall be fined as provided in section 6968.

Killing of wild
deer and pheas-
ants in certain
seasons.

Penalty.

SECTION 2. That said section 6963, as amended April 1, 1896 (92 O. L., page 117), as heretofore enacted, be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed April 23, 1898.

170G

[Senate Bill No. 69.]

AN ACT

To amend section 5306 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 5306 of the Revised Statutes of Ohio be amended so as to read as follows:

New trial:

Sec. 5306. The same court shall not grant more than one new trial on the weight of the evidence against the same party in the same case.

Court can grant
but one new
trial.

SECTION 2. That section 5306 of the Revised Statutes of Ohio be and the same is hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed April 23, 1898.

171G

[Senate Bill No. 169.]

AN ACT

For protection of carrier pigeons.

Shooting or injuring carrier pigeon.

Penalty.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be unlawful, for any person not the owner, to shoot or otherwise kill or maim any Antwerp or homing pigeon, commonly called "carrier" pigeon. It shall also be unlawful for any person not its owner, to entrap, catch or detain any such "carrier" pigeon, providing that such pigeon shall at the time have the name of the owner stamped upon its wing or tail, or have a band with the owner's name, initial or number on its leg. Any person violating the provisions of this law shall be guilty of a misdemeanor, and upon conviction shall, for every offense, pay a fine or not less than ten dollars (\$10) nor more than twenty-five dollars (\$25).

SECTION 2. This act shall take effect from the day of its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 23, 1898.

172G

[Senate Bill No. 257.]

AN ACT

To amend section 2834b of the Revised Statutes of Ohio, as passed April 27, 1896.

Levying taxes—miscellaneous:

Restrictions as to contracts, agreements, obligations, appropriations and expenditures.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2834b, as passed April 27, 1896 (92 O. L., page 341), be amended so as to read as follows:

Sec. 2834b. The commissioners of any county, the trustees of any township and the board of education of any school district, except in cities of the first class, of first, second and third grade, shall enter into no contract, agreement, or obligation involving the expenditure of money, nor shall any resolution or order for the appropriation or expenditure of money be passed by any board of county commissioners, township trustees or board of education, except in cities of the first class, of first, second and third grade, unless the auditor or the clerk thereof shall first certify that the money required for the payment of such obligation or appropriation is in the treasury to the credit of the fund from which it is to be drawn, or has been levied and placed on the duplicate, and in process of collection and not appro-

appropriated for any other purpose; which certificate shall be filed and immediately recorded, and the sums so certified shall not thereafter be considered unappropriated until the county, township or board of education, except in cities of the first class, of first, second or third grade, is fully discharged from the contract, agreement or obligation, or so long as the order or resolution is in force, and all contracts, agreements or obligations, and all orders or resolutions entered into or passed contrary to the provisions of this section, shall be void. Provided, that none of the provisions of this section shall apply to the contracts authorized to be made by other provisions of law for the employment of teachers, officers, and other school employes of boards of education.

Contracts authorized by other provisions of statute not affected.

SECTION 2. That original section 2834b (92 O. L., page 341), of the Revised Statutes of Ohio, as passed April 27, 1896, be and the same is hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 23, 1898.

173G

[House Bill No. 897.]

AN ACT

To amend section 2732—3 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2732—3 of the Revised Statutes of the state of Ohio be amended to read as follows:

Definitions and property:

Sec. 2732—3. That all property, real or personal belonging to or which may hereafter belong to any incorporated post of the grand army of the republic, or union veterans union, or grand lodge free and accepted masons, or grand lodge independent order of odd fellows, or grand lodge knights of Pythias, which is intended to create a fund or is used or intended to be used for the care and maintenance of indigent soldiers of the late war, indigent members of said organizations, and the widows and orphans of the deceased members of such organizations, such property real or personal, and the interest or income derived therefrom, shall not be deemed taxable under any law of this state, and the trustees of such incorporated organizations above named shall not be required to return or list the same for taxation.

Property of certain secret societies exempt from taxation.

Repeals.

SECTION 2. That said original section 2732—3 be and the same is hereby repealed, and this act shall take effect from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 23, 1898.

174G

[Senate Bill No. 317.]

AN ACT

To amend section 4829 of the Revised Statutes of Ohio.

Two-mile assessment pikes:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4829 of the Revised Statutes of Ohio be amended so as to read as follows:

County commissioners may construct or improve roads.

Sec. 4829. The county commissioners of any county shall have power, as hereinafter provided, to lay out and construct any new county road, or to improve any state, county, or township road, or any part thereof, or any free turnpike road, or any part thereof not completed, or any free road, by straightening or altering the same, and by grading, paving, graveling, planking, or macadamizing the same, and by draining the same in any direction required to make the most convenient and sufficient outlet; and for such purpose they may, upon further petition, when by them deemed expedient, vacate any state, county, or township road, or any part thereof, or any free turnpike road, or any part thereof not completed, or any free road, and may improve several roads or parts of roads, or free turnpike roads, or parts thereof not completed, or any free road, when the same may be united in one continuous road improvement.

Vacation of roads upon petition.

Repeals, etc.

SECTION 2. Said original section 4829 of the Revised Statutes is hereby repealed, and this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 23, 1898.

175G

[Senate Bill No. 324.]

AN ACT

To authorize the board of trustees of the Ohio state university to refund and extend the time of payment of portions of the bonded indebtedness of said institution as the same becomes due.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of the Ohio state university are hereby authorized to refund and extend the time of payment of portions of the present bonded indebtedness of said university, authorized under acts of March 13, 1894 (O. L., 91, page 62), and of April 17, 1896 (O. L., 92, page 191), as the same shall become due, by issuing other bonds in lieu thereof; so refunding and extending the time and payment of said bonded indebtedness, that the amount of principal falling due each year shall be \$25,000 until the whole is paid.

Trustees Ohio state university authorized to issue refunding bonds.

SECTION 2. The refunding bonds authorized by this act shall be in anticipation and payable out of the annual levies for the support of the Ohio state university, provided by the act of the general assembly of the state of Ohio, entitled "An act to amend section 3951 of the Revised Statutes of Ohio, as amended March 20, 1891," passed March 9, 1896 (O. L., 92, page 59); provided, that the whole amount of said refunding bonds shall be paid by said board of trustees, out of the proceeds of said levies, on or before December 31, 1912.

Bonds payable out of annual levies.

SECTION 3. The refunding bonds herein authorized shall be signed by the president and secretary of said board of trustees, and sealed with the seal of the university, and shall bear such rates of interest, not exceeding four and one-half per cent. per annum, payable semi-annually, as said board of trustees may determine, and shall be payable by said board of trustees out of the revenues in anticipation of which they shall be issued as herein provided. Said bonds shall be sold by said board of trustees at not less than their par value to the highest bidder after notice of the sale thereof shall have been given in a newspaper of general circulation, published in the city of Columbus, and in some well known financial journal of general circulation.

How bonds to be executed; interest.

Sale of bonds.

SECTION 4. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 23, 1898.

176G

[Senate Bill No. 268.]

AN ACT

To provide for the appointment of an official stenographer for the supreme court of the state of Ohio.

Official stenographer for supreme court: appointment; term.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the supreme court of the state of Ohio shall, immediately after the passage of this act, appoint one official stenographer for the use of said court, for the term of three years from the date of said appointment, and shall thereafter, every three years, appoint a successor for the same term of office.

Salary.

SECTION 2. The stenographer, appointed under this act, shall receive a salary of one thousand dollars per year, payable in monthly installments, out of the state treasury upon the certificate of the chief justice.

Oath; duties; removal.

SECTION 3. Said stenographer shall take an oath of office as official stenographer of said court, and shall perform such duties as said court shall designate, and may be removed by the court at any time for incompetency, neglect of duty, or other good cause. In case of removal, appointment shall be made for the unexpired term.

Typewriting machine, etc., for use of stenographer.

SECTION 4. The state shall furnish to such stenographer a typewriting machine, and all necessary materials for use in the performance of the duties of stenographer to said court, which shall be and remain the property of the state of Ohio.

SECTION 5. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 23, 1898.

177G

[Senate Bill No. 375.]

AN ACT

To authorize councils of villages to levy a tax, and to pay water-works and electric light trustees of such villages for street lighting and fire protection.

Municipalities authorized to levy tax to cover deficiencies in expense of water-works and electric light plants.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That when water-works and electric light plants, or either of them, are owned, run and controlled by any village, and such village receives its street lighting and fire protection from such plant or plants and the proceeds derived from the operation of such plant or plants is found

to be insufficient to pay the expenses of running and conducting such water-works and electric light plants, or either of them, the council of such village may levy a tax not to exceed five mills on each dollar valuation of all the taxable property listed for taxation in said village, both real and personal, to pay a reasonable amount found to be due on the running expenses and the extensions made to such plant after applying the proceeds of said plants thereto. And the council of said village is authorized to allow and to pay such reasonable sum or sums, to the trustees of such plants upon the presentation to it of a proper bill therefor by the trustees of such plant, to be drawn, when allowed, out of the village treasury, upon the order of the village clerk in favor of such trustees, to be by such trustees applied to the expense of running, operating or making extensions to such plant or plants, but in no case shall such amount so allowed exceed said five mills levy.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 23, 1898.

178G

[Senate Bill No. 504.]

AN ACT

To amend section 6808 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6808 of the Revised Statutes be amended so as to read as follows:

Sec. 6808. Whoever purposely, and either of deliberate and premeditated malice, or by means of poison, or in perpetrating, or attempting to perpetrate, any rape, arson, robbery, or burglary, kills another, is guilty of murder in the first degree, and shall be punished by death, unless the jury trying the accused recommend mercy, in which case the punishment shall be imprisonment in the penitentiary during life. Provided, however, that murder in the first degree as herein defined shall continue to be a capital offense within the meaning of the constitution. And provided, further, no person convicted of murder in the first degree shall be recommended for pardon by the board of pardons, or for parole by the board of managers of the penitentiary, except upon proof of innocence established beyond a reasonable doubt.

Crimes against
the person :

Murder in the
first degree ; how
punished ; jury
may recommend
mercy.

Murder in first
degree is a capi-
tal offense.

Proof of inno-
cence must be
established be-
fore person can
be recommended
for pardon.

SECTION 2. That section 6808 and all other sections and parts of sections of the Revised Statutes of Ohio in-

Repeals, etc.

consistent with the provisions of this act, be and the same are hereby repealed, and this act shall include pending prosecutions and take effect from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 23, 1898.

179G

[Senate Bill No. 180.]

AN ACT

To provide for the filling of vacancies on political party tickets when no provision has been made by the nominating convention.

Authority of
county execu-
tive committee
to fill vacancy
on ticket.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That when a political party in its nominating convention fails to appoint a committee for the purpose of filling vacancies on the party ticket, the power to fill such vacancies shall be and hereby is vested in the county executive committee of said political party.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 23, 1898.

180G

[Senate Bill No. 315.]

AN ACT

To amend section 7292 of the Revised Statutes of Ohio.

Trial and pro-
ceedings
thereon :

Witness may be
placed in jail ;
how costs paid.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 7292 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 7292. When such witness is in attendance upon any court, he may be placed for safe keeping in the jail of the county; and the expenses of the officer in transporting him to and from the court to which he is summoned, including compensation for such guard or attendant of such prisoner, which compensation shall not exceed the per diem salary of such guard, for the actual time he is kept from the penitentiary, shall be allowed by the court and taxed and paid as other costs against the state.

Repeals.

SECTION 2. That section 7292 (70 O. L., 79, sections 3 and 4), be and the same is hereby repealed.

SECTION 3. This act shall take effect on and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 23, 1898.

181G

[House Bill No. 408.]

AN ACT

To amend section 148c of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 148c, Revised Statutes of Ohio, be amended so as to read as follows:

Secretary of
state:

Sec. 148c. Every foreign corporation, incorporated for purposes of profit, now or hereafter doing business in this state and owning or using a part or all of its capital or plant in this state, shall, within thirty days after the passage of this act, or, in case of a company hereafter coming into this state, then before it proceeds to do any business in this state, under the oath of the president, secretary, treasurer, superintendent or managing agent in this state of such corporation, make and file with the secretary of state, a statement, in such form as the secretary of state may prescribe, containing the following facts:

Foreign corpo-
rations to file
statement.

1. The number of shares of authorized capital stock of the company and the par value of each share.
2. The name and location of the office or offices of the company in Ohio, and the name and address of the officers or agents of the company in charge of its business in Ohio.
3. The value of the property owned and used by the company in Ohio, where situate, and the value of the property of the company owned and used outside of Ohio.
4. The proportion of the capital stock of the company which is represented by property owned and used and by business transacted in Ohio.

From the facts thus reported, and any other facts coming to his knowledge bearing upon the question, the secretary of state shall determine the proportion of the capital stock of the company represented by its property and business in Ohio, and shall charge and collect from the company, for the privilege of exercising its franchises in Ohio, one-tenth of one per cent. upon the proportion of the authorized capital stock of the corporation, represented by property owned and used and business transacted in Ohio, being the same fee required to be paid by corporations formed under the laws of Ohio. Upon the payment of the

Fees charged by
secretary of
state.

Exceptions as to
application of
act.

Appeals.

Penalty for fail-
ure to comply.

Suits to compel
compliance.

Requirements of
corporations
when capital
stock is in-
creased.

said amount, the secretary of state shall issue to the foreign corporation a certificate that such corporation has complied with the laws of Ohio and is authorized to do business therein, stating the amount of its entire capital and [of] the proportion of which is represented in Ohio. Provided, this section shall not apply to foreign insurance, banking, savings and loan, or building and loan companies, or to foreign coöperative or investment companies organized to sell certificates or debentures on the installment or partial payment plan, or companies doing business on the service dividend plan, who have deposited with the treasurer of the state of Ohio securities satisfactory to him of the value of not less than twenty-five thousand dollars, and who shall annually thereafter deposit securities equal in value to ten per cent. of the gross receipts on the amount of business done in Ohio for the preceding year, until the whole amount so deposited has reached the sum of \$100,000 for the protection of the holders of said certificates or debentures, or to express, telegraph, telephone, railroad, sleeping car, transportation or other corporations engaged in Ohio in inter-state commerce business; or to foreign corporations, entirely non-resident, soliciting business, or making sales, in this state by correspondence or by traveling salesmen. Any foreign corporation shall have the right, on application, to be heard by the secretary of state touching the matter of the determination of the proportion of its capital stock represented by property used and business done in Ohio. Any corporation aggrieved by the decision of the secretary of state, may, within ten days, appeal to the auditor of state, the treasurer of state and the attorney general, whose decision in the matter shall be final. Every foreign corporation, subject to the provisions of this section, which shall neglect or fail to comply with its requirements, shall be subject to a penalty of one thousand dollars, and an additional penalty of one thousand dollars for every month that it continues to transact any business in Ohio, without complying with the requirements of this section, to be recovered by action in the name of the state, and on collection paid into the state treasury to the credit of the general revenue fund. The attorney general, on the request of the secretary of state, shall institute such action in the court of common pleas of Franklin county, or of any county in which such corporation has an office or place of business, as he prefers. No foreign corporation subject to the provisions of this [section,] shall maintain any action in this state upon any contract made by it in this state after the time fixed by this act for a compliance by such corporation with its requirements, until it shall have complied with the requirements of this act and procured the requisite certificate from the secretary of state. Every corporation which has filed its statement and paid the privilege tax under this section, and which thereafter shall increase the proportion of its capital stock represented by property used

and business done in Ohio, shall, within thirty days after such increase, file an additional statement with the secretary of state, and pay a fee of one-tenth of one per cent. upon the amount of increase of its capital stock represented by property owned or business done in Ohio. All fees collected by the secretary of state under this section shall be paid by him into the state treasury to the credit of the general revenue fund. Every corporation subject to the provisions of this section, which complies with its requirements, shall not be subject to process of attachment under section 5521, Revised Statutes, or any law of Ohio, upon the ground that it is a foreign corporation or a non-resident of this state. If any person solicits, or transacts within this state, any business for any such foreign corporation, until it shall have complied with all the provisions of this section, he shall be deemed guilty of a misdemeanor, and on conviction, shall be fined not less than ten dollars, nor more than five hundred dollars, or be imprisoned not less than ten days nor more than six months, or both. It shall be the duty of the prosecuting attorney, upon direction of the attorney general, to prosecute any person charged with a violation of the provisions of this section.

Fees to be paid into state treasury.

Penalty for acting as agent of corporation failing to comply with act.

SECTION 2. Section 148c of the Revised Statutes, as amended May 16, 1894 (91 O. L., page 272), is hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed April 23, 1898.

182G

[House Bill No. 409.]

AN ACT

To amend section 1 of an act entitled "An act to regulate foreign stock corporations other than moneyed, by requiring such corporations to procure a certificate from the secretary of state that they have complied with the laws of the state to authorize them to do business, and to designate a place within the state as their principal place of business, and a person upon whom process may be served in actions against such corporations," as amended May 19, 1894 (91 O. L., 355), and to number it as section 148d of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1 of an act entitled "An act to regulate foreign stock corporations other than moneyed, by requiring such corporations to procure a certificate from the secretary of state that they have complied with the laws of the state to authorize them to do business, and to designate a place within the state as their principal place of

Creation of corporations, etc.:

business, and a person upon whom process may be served in actions against such corporations," as amended May 19, 1894 (91 O. L., 355), be amended to read as follows, and be numbered as section 148*d* Revised Statutes of Ohio.

Certificate for-
eign stock cor-
poration re-
quired to pro-
cure from secre-
tary of state.

Requirements
before certificate
granted.

Office or place of
business and
powers of desig-
nated person
upon whom pro-
cess may be
served; term of
such designa-
tion.

Sec. 148*d*. That no foreign stock corporation, other than a banking or insurance corporation, or foreign building and loan associations, or foreign coöperative or investment companies, or foreign companies organized to sell certificates or debentures on the installment or partial payment plan, or foreign corporations doing business on the service dividend plan, who have deposited with treasurer of the state of Ohio securities satisfactory to him of the value of not less than twenty-five thousand dollars, and shall annually thereafter deposit securities to the satisfaction of said treasurer equal in value to ten per cent. of the gross receipts on the amount of business done in Ohio for the preceding year, until the whole amount so deposited has reached the sum of \$100,000, for the protection of the holders of such certificates or debentures, shall do business in this state without first having procured from the secretary of state a certificate that it has complied with all the requirements of law to authorize it to do business in this state, and that the business of the corporation to be carried on in this state is such as can be lawfully carried on by a corporation incorporated under the laws of this state for such or similar business, or if more than one kind of business, by two or more corporations so incorporated for such kinds of business exclusively. The secretary of state shall deliver such certificate to every such corporation so complying with the requirements of the laws of this state. No such foreign stock corporations doing business in this state without such certificate, shall maintain any action in this state upon any contract made by it in this state until it shall have procured such certificate. Before granting such certificate, the secretary of state shall require every such foreign corporation to file in his office a sworn copy of its charter or certificate of incorporation, and a statement under its corporate seal particularly setting forth the amount of capital stock, the business or objects of the corporation which it is engaged in carrying on, or which it proposes to engage in or carry on within the state, and a place within this state which is to be its principal place of business, and designating in the manner prescribed in the code of civil procedure in this state, a person upon whom process against such corporation may be served within this state. The person so designated must have an office or place of business at the place where such corporation is to have its principal place of business within this state. Such designation shall continue in force until revoked by an instrument in writing designating in like manner some other person upon whom process against such corporation may

be served in this state. Any agent so designated by such foreign corporation may, in the name and on behalf of such corporation, bring or prosecute actions in any of the courts of this state in the same manner and with like effect as if done by an officer of such corporation. If the person so designated die or remove from the place where such corporation has its principal place of business within this state, and such corporation does not, within thirty days after such death or removal, designate in like manner another person upon whom process against it may be served within this state, the secretary of state shall revoke the authority of such corporation to do business within this state, and process against such corporation in actions upon any liability incurred within this state before such revocations, may after such death or removal, and before another designation is made, be served upon the secretary [of state.] At the time of such service the plaintiff shall pay to the secretary of state two dollars, to be included in his taxable costs and disbursements, and the secretary of state shall forthwith mail a copy of such notice to such corporation, if its address or the address of any officer thereof is known to him. For each certificate thus issued by the secretary of state he shall be entitled to receive and shall be paid fees according to the amount of capital stock of each such corporation, as follows:

Revocation of authority to do business; service of process upon secretary of state.

Fee to be paid at time of such service; duty of secretary of state.

Fees for issuing certificates.

\$100,000 or less.....	\$ 15 00
More than \$100,000 and not exceeding \$300,000..	20 00
More than \$300,000 and not exceeding \$500,000..	25 00
More than \$500,000 and less than \$1,000,000.....	30 00
\$1,000,000 or more.....	50 00

Which fees and the several sums of two dollars above named are to be paid by him to treasurer of state to credit of general revenue fund. Provided that such foreign corporations as comply with the provisions of section 148c of the Revised Statutes, as amended May 16, 1894, shall not be subject to process of attachment under section 5521, Revised Statutes, or any law of Ohio, upon the ground, that it is a foreign corporation or non-resident of this state. If any person solicits, or transacts, within this state, any business for any such foreign corporation, until it shall have complied with all the provisions of this section, he shall be deemed guilty of a misdemeanor, and on conviction, shall be fined not less than ten dollars nor more than five hundred dollars, or be imprisoned not less than ten days nor more than six months, or both. It shall be the duty of the prosecuting attorney, upon direction of the attorney general, to prosecute any person charged with a violation of the provisions of this section.

Disposition of fees.

Exemption from process of attachment.

Penalty for acting as agent of corporation failing to comply with act.

SECTION 2. Section 1 of the above named act, as amended May 19, 1894 (91 O. L., 355), is hereby repealed,

Repeals, etc.

and this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 23, 1898.

183G

[House Bill No. 253.]

AN ACT

To amend section 3245 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3245 of the Revised Statutes of Ohio be amended to read as follows:

Creation of corporations, etc.:

Conduct of election for directors; stockholders may cumulate their votes.

Incorporators are inspectors of election.

Sec. 3245. At the time and place appointed, directors shall be chosen, by ballot, by the stockholders who attend for that purpose, either in person or by lawful proxies; at such election and at all other elections of directors, every stockholder shall have the right to vote in person or by proxy the number of shares owned by him for as many persons as there are directors to be elected, or to cumulate said shares and give one candidate as many votes as the number of directors multiplied by the number of his shares of stock shall equal, or to distribute them on the same principle among as many candidates as he shall think fit; and such directors shall not be elected in any other manner. A majority of the number of shares shall be necessary for a choice, but no person shall vote on any share on which any installment is due and unpaid. At such first election the subscribers of the articles of incorporation, or any of them as may be present, shall be inspectors of such election, and shall certify what persons are elected directors, and shall appoint the time and place for holding their first meeting.

Repeals.

SECTION 2. Said section 3245 of the Revised Statutes is hereby repealed.

SECTION 3. This act shall take effect and be in force on and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 23, 1898.

184G

[House Bill No. 815.]

AN ACT

To amend section 474—1 of the Revised Statutes, as passed April 11, 1893, relating to criminal bailiffs.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 474—1 of the Revised Statutes of Ohio, as passed April 11, 1893, be amended so as to read as follows:

Court of common pleas:

Sec. 474—1. That in all counties having a population of one hundred and eighty thousand and upwards, at the federal census of 1870, and in all counties containing a city of the first grade of the second class, the judges of the court of common pleas shall, within twenty days after this act takes effect appoint a criminal bailiff for such county, who shall hold his office for the term of two years, and until his successor is appointed and qualified. Provided that this amendment shall not affect any bailiff, or bailiffs now serving an unexpired term of office, until the termination of such unexpired term, or until a vacancy may occur therein by death or resignation. Such bailiff so appointed by said judges may be removed from office by them; and all vacancies in such office shall be filled by such judges for the unexpired term.

Criminal bailiff; appointment; term.

Removals.

SECTION 2. This act shall take effect and be in force from and after the first day of June, 1898, and said section 474—1 be and the same is hereby repealed.

When act takes effect, etc.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
Passed April 23, 1898. 185G

[House Bill No. 726.]

AN ACT

Authorizing the board of trustees of Miami university to remit forever certain ground rents upon lot number five (5) in section thirty-one (31), Milford township, Butler county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of trustees of Miami university be and they are hereby authorized and empowered to remit permanently and forever to the present owner or owners of lot number five (5) in section thirty-one (31), Milford township, Butler county, Ohio, and to the heirs and assigns of said owner or owners all that portion, if any, of the annual ground rents now levied against said lot number five (5), which, in the opinion of said [the] board of trustees of Miami university, is excessive, unjust and burdensome;

Trustees of Miami university authorized to remit certain ground rents.

provided, that the said rents, when reduced by authority of this act, shall not be less than an annual rental based upon an original purchase price of two dollars and fifty cents (\$2.50) per acre.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed April 23, 1898.

186G

[House Bill No. 558.]

AN ACT

To amend section 1945 of the Revised Statutes of Ohio, as amended April 15, 1889.

Police boards
and officers:

Police life and
health insurance
fund in Cleve-
land.

Investment of
funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1945 of the Revised Statutes of Ohio, as amended April 15, 1889, be amended to read as follows:

Sec. 1945. All rewards, fees, proceeds of gifts, and emoluments, that may be allowed by the director of police to be paid, or given on account of extraordinary services of a member of the police force, all unclaimed money, the proceeds arising from the sale of unclaimed property, and one-third of the moneys received by the director of police from all sources whatever, the disposition of which is not otherwise provided for by subdivision two, chapter five, division five, title twelve, of the Revised Statutes of Ohio, one-third of all the moneys collected by the police court on account of the service by the police force of writs issued by such court, all the policemen's fees, members of the police force to be allowed same fees as other persons in the police court, which shall be charged by the clerk in the bill of costs, and collected of the defendant in case of conviction, as in case of other witnesses, all policemen's witness fees, members of the police force shall be allowed same fees as other witnesses in the criminal court of the county, all of which fees when collected and all fines imposed by the director of police, upon members of the force for violations of rules, shall be paid to the trustees of the police pension fund, who shall deposit the same into the city treasury to the credit of said police pension fund; and the persons who from time to time, constitute the board of trustees of the police pension fund as provided by section 43 of an act entitled "An act to provide a more efficient government of the cities of the second grade of the first class, passed March 16, 1891, and as amended February 26, 1891," shall have power to draw such funds from the

city treasury on the warrant of the president of said board, countersigned by the secretary, and may invest the same in the name of the "board of trustees of the police pension fund" in interest bearing bonds of the United States, the state of Ohio, or any county in the state or the said cities, or of any township, incorporated village or other municipal corporation in the said state of Ohio, when the power to issue said bonds is derived from either general or special legislative authority, that the said bonds shall, before the same are issued to the said board of trustees, be registered in the office of the treasurer of the United States, or said state of Ohio, or county, city, township, incorporated village or municipal corporation in this state issuing the same, and bear upon their face the printed or legible written fact of such registry, together with the book and page, and the date and place of such registry. The president and secretary of such board shall collect the interest on all bonds and place the same in the city treasury to the credit of said fund. The board of trustees may, as it shall deem advisable, deposit the same in responsible savings and loan associations in the city of Cleveland, and have power to draw the same from the treasury for that purpose, and shall make report to the council of the condition of the fund on the first of January of each year. The secretary of police shall be the secretary of said board of trustees, and it is hereby made the duty of said secretary to keep a record of the proceedings of said board of trustees and all action taken by it with regard to said fund, and with regard to the members of said police force as herein provided.

Duty of secretary of police.

SECTION 2. That said section 1945 of the Revised Statutes of Ohio, as amended April 15, 1889, be and the same is hereby repealed. Repeals.

SECTION 3. That this act shall take effect on its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed April 23, 1898.

187G

[House Bill No. 571.]

AN ACT

To amend section 2834a of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2834a of the Revised Statutes of Ohio be amended so as to read as follows: Levying taxes:

Sec. 2834a. The trustees of any township, the board of education of any school district, except in cities of the Power to borrow, to extend time or change debt.

Resolution as to
such debt.

Levy to meet
payment of
bonds.

first class, and the commissioners of any county, for the purpose of extending the time of payment of any indebtedness which, from its limits of taxation, such township, school district, board of education or commissioners, for the best interest of said township, school district or county, shall have power to issue bonds of such township, school district or county, or borrow money, so as to change but not to increase the indebtedness, for such length of time, in such amounts, and at such a rate of interest as the said trustees, board of education or commissioners may deem proper, not to exceed six per cent. per annum, payable annually or semi-annually; provided, however, that no indebtedness of any township, school district or county shall be funded, refunded or extended unless such indebtedness shall first be determined to be an existing, valid and binding obligation of any such township, school district or county by a formal resolution of the trustees, board of education or commissioners of any such township, school or county, which resolution shall so state the amount of the existing indebtedness to be funded, refunded or extended, the aggregate amount of bonds to be issued therefor, their number and denomination, the date of their maturity, the rate of interest they shall bear, and the place of payment of principal and interest. And for the payment of the bonds issued under this section, the township trustees, the board of education or commissioners shall levy a tax in addition to the amount otherwise authorized, every year during the period the bonds have to run, sufficient in amount each year to pay the bonds falling due within the year and the accruing interest.

SECTION 2. This act shall take effect from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed April 23, 1898.

188G

[House Bill No. 461.]

AN ACT

To authorize the construction of free turnpike roads.

Construction of
free turnpikes
by county com-
missioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever a majority of the land-owners along any contemplated route, having given notice for thirty days by publication in some newspaper published in the county of their intention so to do, shall present their petition to the board of county commissioners of any county praying for the establishment and construction of a free turnpike road along such contemplated route,

designating in the petition the place of beginning and terminus of such proposed road, the commissioners of such county, if they deem the construction of such road advisable and of general public interest, are hereby authorized to call to their assistance a competent engineer who, with them, shall determine the line of location of such road connecting the beginning and terminus points designated, and the width of the road which shall not be less than thirty feet nor more than sixty feet; and said engineer shall determine the full cost and expense of making said improvement, and furnish plans, profile and specifications for the construction thereof.

Employment of engineer.

Engineer to furnish plans, profile and specifications.

SECTION 2. Upon the payment into the county treasury of, or securing by proper bond to the state of Ohio for the use of the county to the approval of the commissioners for the payment of twenty per cent. of the total cost of the construction of said road, which cost shall include the cost of engineering, superintending, grading, macadamizing, and culverting said road, the said county commissioners are authorized to order the construction thereof.

Security for cost; order of commissioners.

SECTION 3. Unless said road be constructed along some public highway, the petitioners therefor shall procure and furnish to the county, free of charge, grants of the right of way therefor. But if such grants and right of way cannot be obtained by the petitioners over any tract or tracts of land, the county commissioners, after ordering the construction of said road, may condemn the right of way over such tract or tracts of land, the costs and expenses of which proceedings and the amount to be paid as a compensation for the land appropriated and the damages sustained by reason thereof shall be paid by the petitioners for said road, and the right of way secured to said county free of charge to it before any contract for the construction of said road shall be entered into or any work thereon shall be done. And if the same be not paid within a time fixed by the county commissioners, and said right of way secured to the county free of charge to it, their order authorizing the construction of such road shall thenceforth be invalid.

Rights of way; how obtained.

Cost of condemnation proceedings to be paid by petitioners.

SECTION 4. All of the provisions of the general laws of this state for the construction of free turnpikes, and the condemnations of rights of way, and of materials shall be applicable in this act when not herein specially otherwise provided for.

What laws apply to construction of such turnpikes.

SECTION 5. The commissioners, for the payment of eighty per cent. of the total cost of said road, shall levy a tax not exceeding two mills on the dollar upon all the taxable property of the county, and if they deem it advisable may issue bonds for said payment, which shall be payable in not more than five years, and to bear not exceeding six per cent. interest per annum, interest payable semi-annually; but bonds so issued shall not be sold for less than their par value.

Levy to pay cost of construction; issue of bonds.

Exceptions as to
application of
act.

Appeals.

Penalty for fail-
ure to comply.

Suits to compel
compliance.

Requirements of
corporations
when capital
stock is in-
creased.

said amount, the secretary of state shall issue to the foreign corporation a certificate that such corporation has complied with the laws of Ohio and is authorized to do business therein, stating the amount of its entire capital and [of] the proportion of which is represented in Ohio. Provided, this section shall not apply to foreign insurance, banking, savings and loan, or building and loan companies, or to foreign coöperative or investment companies organized to sell certificates or debentures on the installment or partial payment plan, or companies doing business on the service dividend plan, who have deposited with the treasurer of the state of Ohio securities satisfactory to him of the value of not less than twenty-five thousand dollars, and who shall annually thereafter deposit securities equal in value to ten per cent. of the gross receipts on the amount of business done in Ohio for the preceding year, until the whole amount so deposited has reached the sum of \$100,000 for the protection of the holders of said certificates or debentures, or to express, telegraph, telephone, railroad, sleeping car, transportation or other corporations engaged in Ohio in inter-state commerce business; or to foreign corporations, entirely non-resident, soliciting business, or making sales, in this state by correspondence or by traveling salesmen. Any foreign corporation shall have the right, on application, to be heard by the secretary of state touching the matter of the determination of the proportion of its capital stock represented by property used and business done in Ohio. Any corporation aggrieved by the decision of the secretary of state, may, within ten days, appeal to the auditor of state, the treasurer of state and the attorney general, whose decision in the matter shall be final. Every foreign corporation, subject to the provisions of this section, which shall neglect or fail to comply with its requirements, shall be subject to a penalty of one thousand dollars, and an additional penalty of one thousand dollars for every month that it continues to transact any business in Ohio, without complying with the requirements of this section, to be recovered by action in the name of the state, and on collection paid into the state treasury to the credit of the general revenue fund. The attorney general, on the request of the secretary of state, shall institute such action in the court of common pleas of Franklin county, or of any county in which such corporation has an office or place of business, as he prefers. No foreign corporation subject to the provisions of this [section,] shall maintain any action in this state upon any contract made by it in this state after the time fixed by this act for a compliance by such corporation with its requirements, until it shall have complied with the requirements of this act and procured the requisite certificate from the secretary of state. Every corporation which has filed its statement and paid the privilege tax under this section, and which thereafter shall increase the proportion of its capital stock represented by property used

and business done in Ohio, shall, within thirty days after such increase, file an additional statement with the secretary of state, and pay a fee of one-tenth of one per cent. upon the amount of increase of its capital stock represented by property owned or business done in Ohio. All fees collected by the secretary of state under this section shall be paid by him into the state treasury to the credit of the general revenue fund. Every corporation subject to the provisions of this section, which complies with its requirements, shall not be subject to process of attachment under section 5521, Revised Statutes, or any law of Ohio, upon the ground that it is a foreign corporation or a non-resident of this state. If any person solicits, or transacts within this state, any business for any such foreign corporation, until it shall have complied with all the provisions of this section, he shall be deemed guilty of a misdemeanor, and on conviction, shall be fined not less than ten dollars, nor more than five hundred dollars, or be imprisoned not less than ten days nor more than six months, or both. It shall be the duty of the prosecuting attorney, upon direction of the attorney general, to prosecute any person charged with a violation of the provisions of this section.

Fees to be paid into state treasury.

Penalty for acting as agent of corporation failing to comply with act.

SECTION 2. Section 148c of the Revised Statutes, as amended May 16, 1894 (91 O. L., page 272), is hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed April 23, 1898.

182G

[House Bill No. 409.]

AN ACT

To amend section 1 of an act entitled "An act to regulate foreign stock corporations other than moneyed, by requiring such corporations to procure a certificate from the secretary of state that they have complied with the laws of the state to authorize them to do business, and to designate a place within the state as their principal place of business, and a person upon whom process may be served in actions against such corporations," as amended May 19, 1894 (91 O. L., 355), and to number it as section 148d of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1 of an act entitled "An act to regulate foreign stock corporations other than moneyed, by requiring such corporations to procure a certificate from the secretary of state that they have complied with the laws of the state to authorize them to do business, and to designate a place within the state as their principal place of

Creation of corporations, etc.:

business, and a person upon whom process may be served in actions against such corporations," as amended May 19, 1894 (91 O. L., 355), be amended to read as follows, and be numbered as section 148d Revised Statutes of Ohio.

Certificate foreign stock corporation required to procure from secretary of state.

Sec. 148d. That no foreign stock corporation, other than a banking or insurance corporation, or foreign building and loan associations, or foreign cooperative or investment companies, or foreign companies organized to sell certificates or debentures on the installment or partial payment plan, or foreign corporations doing business on the service dividend plan, who have deposited with treasurer of the state of Ohio securities satisfactory to him of the value of not less than twenty-five thousand dollars, and shall annually thereafter deposit securities to the satisfaction of said treasurer equal in value to ten per cent. of the gross receipts on the amount of business done in Ohio for the preceding year, until the whole amount so deposited has reached the sum of \$100,000, for the protection of the holders of such certificates or debentures, shall do business in this state without first having procured from the secretary of state a certificate that it has complied with all the requirements of law to authorize it to do business in this state, and that the business of the corporation to be carried on in this state is such as can be lawfully carried on by a corporation incorporated under the laws of this state for such or similar business, or if more than one kind of business, by two or more corporations so incorporated for such kinds of business exclusively. The secretary of state shall deliver such certificate to every such corporation so complying with the requirements of the laws of this state. No such foreign stock corporations doing business in this state without such certificate, shall maintain any action in this state upon any contract made by it in this state until it shall have procured such certificate. Before granting such certificate, the secretary of state shall require every such foreign corporation to file in his office a sworn copy of its charter or certificate of incorporation, and a statement under its corporate seal particularly setting forth the amount of capital stock, the business or objects of the corporation which it is engaged in carrying on, or which it proposes to engage in or carry on within the state, and a place within this state which is to be its principal place of business, and designating in the manner prescribed in the code of civil procedure in this state, a person upon whom process against such corporation may be served within this state. The person so designated must have an office or place of business at the place where such corporation is to have its principal place of business within this state. Such designation shall continue in force until revoked by an instrument in writing designating in like manner some other person upon whom process against such corporation may

Requirements before certificate granted.

Office or place of business and powers of designated person upon whom process may be served; term of such designation.

be served in this state. Any agent so designated by such foreign corporation may, in the name and on behalf of such corporation, bring or prosecute actions in any of the courts of this state in the same manner and with like effect as if done by an officer of such corporation. If the person so designated die or remove from the place where such corporation has its principal place of business within this state, and such corporation does not, within thirty days after such death or removal, designate in like manner another person upon whom process against it may be served within this state, the secretary of state shall revoke the authority of such corporation to do business within this state, and process against such corporation in actions upon any liability incurred within this state before such revocations, may after such death or removal, and before another designation is made, be served upon the secretary [of state.] At the time of such service the plaintiff shall pay to the secretary of state two dollars, to be included in his taxable costs and disbursements, and the secretary of state shall forthwith mail a copy of such notice to such corporation, if its address or the address of any officer thereof is known to him. For each certificate thus issued by the secretary of state he shall be entitled to receive and shall be paid fees according to the amount of capital stock of each such corporation, as follows:

\$100,000 or less.....	\$ 15 00
More than \$100,000 and not exceeding \$300,000..	20 00
More than \$300,000 and not exceeding \$500,000..	25 00
More than \$500,000 and less than \$1,000,000.....	30 00
\$1,000,000 or more.....	50 00

Which fees and the several sums of two dollars above named are to be paid by him to treasurer of state to credit of general revenue fund. Provided that such foreign corporations as comply with the provisions of section 148c of the Revised Statutes, as amended May 16, 1894, shall not be subject to process of attachment under section 5521, Revised Statutes, or any law of Ohio, upon the ground, that it is a foreign corporation or non-resident of this state. If any person solicits, or transacts, within this state, any business for any such foreign corporation, until it shall have complied with all the provisions of this section, he shall be deemed guilty of a misdemeanor, and on conviction, shall be fined not less than ten dollars nor more than five hundred dollars, or be imprisoned not less than ten days nor more than six months, or both. It shall be the duty of the prosecuting attorney, upon direction of the attorney general, to prosecute any person charged with a violation of the provisions of this section.

SECTION 2. Section 1 of the above named act, as amended May 19, 1894 (91 O. L., 355), is hereby repealed,

Revocation of authority to do business; service of process upon secretary of state.

Fee to be paid at time of such service; duty of secretary of state.

Fees for issuing certificates.

Disposition of fees.

Exemption from process of attachment.

Penalty for acting as agent of corporation failing to comply with act.

Repeals, etc.

[Senate Bill No. 393.]

AN ACT

To grant the right of way through the lands of the boys' industrial school, in Fairfield county, Ohio, to a traction company.

Trustees authorized to grant right of way to traction company through grounds of boys' industrial school.

Money received for grant to be paid into state treasury.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of the boys' industrial school be and are hereby empowered to negotiate the right of way, for railway purposes only, to a responsible traction company, through the property of the boys' industrial school in Fairfield county, under such terms and conditions and for a period not exceeding twenty-five years, as said trustees may determine, and upon the approval of the same by the governor of the state of Ohio, he is hereby authorized to make, execute and deliver the necessary conveyance therefor, but such conveyance shall not convey said land in fee simple, but shall be for railway purposes only, and the land shall revert to the state of Ohio upon the abandonment of said grant for railway purposes.

SECTION 2. The money derived from this grant shall be covered back into the treasury of the state of Ohio.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 23, 1898

192G

[House Bill No. 464.]

AN ACT

To improve the efficiency of the quartermaster department, O. N. G., and to amend sections 3036 and 3082 of the Revised Statutes of Ohio.

Ohio national guard:

Infantry organization.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 3036 and 3082 be so amended as to read as follows:

Sec. 3036. Each regiment shall consist of not more than twelve nor less than eight companies, and shall be formed into battalions of not less than three and not more than five companies each, and shall have a colonel, a lieutenant colonel, one major for each battalion, a surgeon with the rank of major, one assistant surgeon for each battalion with rank of captain, a quartermaster with rank of captain, an inspector of rifle practice with rank of captain, a regimental adjutant with rank of captain, one commissary with rank of captain, one battalion adjutant for each battalion

in a regiment of two or more battalions with the rank of second lieutenant, a chaplain, and a non-commissioned staff consisting of a regimental sergeant-major, and a sergeant-major for each battalion, one quartermaster sergeant, one commissary sergeant, a hospital steward and an acting hospital steward for each battalion, two principal musicians, a drum major and two color sergeants. A commander of a regiment, or separate battalion, may enlist a band to consist of a leader, and not more than twelve men for each battalion of his command; also a hospital corps of not more than eight men for each battalion, a signal corps consisting of one sergeant, and not more than one corporal and four privates for each battalion, and a quartermaster's corps, upon recommendations of a quartermaster, consisting of not more than two sergeants and four privates for each battalion. Each company shall consist of a captain, a first lieutenant, a second lieutenant, one first sergeant, four sergeants, eight corporals, two musicians, one armorer, and not less than thirty-two and not more than fifty-six privates. [1896, April 27: 92 v., page 335.]

Sec. 3082. Officers and enlisted men shall receive pay for each day actually spent by them on duty at the annual encampments at the following rates, together with all necessary transportation, quartermaster's stores and medical supplies: For each day's service each colonel shall receive four dollars and fifty cents, each lieutenant colonel shall receive four dollars, each major and each quartermaster shall receive three dollars and fifty cents, each captain and regimental adjutant mounted shall receive two dollars and seventy-five cents, each captain, not mounted, shall receive two dollars and fifty cents, each first lieutenant, mounted, shall receive two dollars and twenty-five cents, each first lieutenant, not mounted, each battalion adjutant and each second lieutenant, mounted, shall receive two dollars, and each second lieutenant, not mounted, shall receive one dollar and seventy-five cents, together with the same allowance for subsistence as is provided for enlisted men. For each day's service performed each enlisted man shall receive one dollar, and a commutation of rations at the rate of forty cents a day; and for all horses used by field and staff officers and ambulance, and for officers and enlisted men of cavalry and artillery, not to exceed forty for a troop of cavalry, twenty-four for a two-gun battery and forty-five for a four-gun battery, there shall be paid one dollar and fifty cents per day for each horse for six days. The quartermaster and commissary, non-commissioned officers and enlisted men of the quartermaster's corps, to be limited to such extra days' service and pay as may be actually necessary in arranging for, preparing and breaking camp, and not to exceed six extra days in all before and after the encampment; the extra days' service of each officer and man to be evidenced by a time schedule report, to be made by the quartermaster to the adjutant general, show-

Pay during encampments.

ing where and when and by whom such extra duty was performed.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 25, 1898.

193G

[House Bill No. 667.]

AN ACT

Making appropriations for the last three-quarters of the fiscal year ending November 15, 1898, and the first quarter of the fiscal year ending February 15, 1899.

General appro-
priations for
1898-99.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sums, for the purposes herein specified, are appropriated out of any moneys in the state treasury to the credit of the general revenue fund not otherwise appropriated, to wit:

Adjutant General's Department.

Transportation of indigent soldiers.....	\$ 100 00
Contingent expenses and inspections.....	2,000 00

Ohio National Guard.

Pay of Ohio national guard.....	\$ 45,000 00
Subsistence of Ohio national guard.....	16,000 00
Fuel, lumber, straw and medical supplies, Ohio national guard.....	4,000 00
Transportation Ohio national guard.....	15,130 00
Horse hire Ohio national guard.....	4,950 00
Forage for horses Ohio national guard.....	825 00
Incidental expenses of military companies..	16,600 00
Uniforms, overcoats and blankets.....	23,000 00
Tents and repairs.....	5,000 00
Care of military stores and freight on arms..	900 00
Rent of armories.....	36,800 00
Improvement state camp-ground at Newark.	3,000 00
Repair of state arsenal.....	200 00

State House and Grounds.

Salary of two firemen.....	\$ 640 00
Salary of four (4) regular laborers.....	1,854 00
Extra labor	1,500 00
Fuel for state house.....	1,500 00
Material and repairs.....	1,900 00
Care and repair of heating apparatus.....	1,125 00
Water rent	667 00
Flags for state house.....	100 00
Electric light	5,400 00

For new sidewalks and sidewalk repairs on state house grounds.....	2,250 00	General appro- priations for 1898-99.
(Said work to be done under the super- vision of the adjutant-general and chairman of senate and house finance committees.)		

Agricultural Experiment Station.

Bulletin illustration	\$ 300 00
Special work in entomology, botany, horticul- ture and chemistry.....	4,000 00
Substations for field experiment.....	1,800 00
General repairs, labor and supplies.....	1,500 00
For investigation of tuberculosis.....	1,000 00
Furniture and fixtures.....	1,200 00

Attorney-General.

Fees on collection.....	\$ 1,200 00
For compensation for assistant counsel \$3,- 500.00, and for attorney fees \$1,800.00.	
Total	5,300 00
Books and furniture.....	125 00
Contingent	700 00

Auditor of State.

Collecting excise taxes.....	\$ 500 00
Additional for clerks.....	500 00
Contingent expenses	2,250 00
Carpets, furniture and repairs.....	150 00
Cutting window in office.....	200 00

Land Department.

Transcribing records	\$ 1,350 00
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State Archaeological and Historical Society.

Expenses	\$ 1,700 00
Publications	700 00
For reprinting volumes 1, 2, 3, 4 and 5, of the society's annual publications; each mem- ber of the 73rd general assembly to be provided with ten copies of each volume, to be delivered under the direction of the secretary of state.....	3,000 00
Field work, etc.....	500 00

Board of Agriculture.

Encouragement of agriculture.....	\$ 7,500 00
Contingent expenses	1,800 00
Crop and stock reporting service.....	1,800 00

Board Appraisers and Assessors.

Contingent expenses	\$ 750 00
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Board of Arbitration.

For per diem and expenses of members.....	\$ 2,000 00
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General appro-
priations for
1898-99.

Board of State Charities.

Expenses of board..... \$ 3,500 00

Board of Health.

Expenses of board..... \$ 11,250 00

Board of Pardons.

Expenses of board..... \$ 800 00

Board of Public Works.

For keeping in repair and improvement of
Miami and Erie canal, all of its earnings
and balances, and..... \$ 7,000 00
For the northern division of Ohio canal and
Walhonding canal, all of its earnings
and balances, and..... 19,500 00
For the southern division of Ohio canal, all
of its earnings and balances, and..... 22,500 00
Provided, that should either division of the
Ohio canal, or both, be sold or aban-
doned, the foregoing amount shall revert
to the state treasury.
Traveling expenses of members..... 1,350 00
Contingent expenses 375 00

Canal Commission.

Expenses of canal commissioners..... \$ 4,100 00
Refunding to Mercer county agricultural so-
ciety for erroneous sale of land..... 7,500 00
Salary of canal commissioners..... 2,250 00
For constructing fence at stone quarry near
state hospital in Franklin county..... 25 00

Dairy and Food Commissioner.

Commissioner's expense \$ 900 00
Assistant commissioner's expense..... 1,200 00
Inspection, analysis, publication and pay-
ment of clerks and stenographer..... 17,000 00
Attorneys' fees 13,000 00
Contingent expenses 550 00

Fish and Game Commission.

Expenses of commission \$ 7,000 00
For building and enlarging and maintaining
pheasantry 4,000 00
For building fish ponds at London, Ohio.... 2,500 00

Commissioner of Labor Statistics.

Traveling expenses \$ 350 00
Contingent expenses 6,500 00
Furniture and carpets..... 100 00

Commissioner of Common Schools.

Traveling expenses of commissioner.....	\$ 563 00	General appropriations for 1898-99.
Contingent expenses	675 00	
Per diem and expenses of state board of examiners	750 00	
Boxing and shipping.....	300 00	
Furniture and repairs.....	100 00	
School book commission.....	250 00	

Commissioner of Railroads and Telegraphs.

For the uses and purposes of the commissioner of railroads and telegraphs office, \$15,000, or so much thereof as may be paid into the state treasury pursuant to an act entitled "An act to provide for annual reports of railroad companies to the commissioner of railroads and telegraphs and providing means for maintaining police supervision of said roads," passed April 19, 1894, and from the moneys herein appropriated the following salaries shall be paid:

Salary of commissioner.....	\$ 3,000 00
Salary of chief clerk.....	2,000 00
Salary of inspector.....	1,200 00
Salary of statistican.....	1,200 00
Salary of recording clerk.....	1,200 00
Salary of one clerk.....	1,200 00

Executive Department.

Contingent expenses	\$ 1,800 00
Carpet	200 00
Radiator	75 00

State Horticultural Society.

Expenses of state horticultural society.....	\$ 1,000 00
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Chief Inspector of Mines.

Contingent expenses	\$ 4,150 00
Attorney's fees	200 00
Furniture	15 00

Inspector of Workshops and Factories.

Traveling expenses of chief inspector.....	\$ 350 00
Traveling expenses of district inspectors....	4,125 00
Contingent expenses	800 00
For two typewriters.....	200 00
Furniture and repairs.....	100 00
Scientific appliances	100 00
Traveling expenses two (2) bakeshop inspectors	750 00

General appropriations for
1898-99.

Judiciary.
Salaries of judges..... \$ 280,000 00

Law Library.
Books and catalogueing..... \$ 1,875 00
Contingent expense 225 00
Shelving, furniture, carpets and repairs..... 600 00

Live Stock Commission.
Expense of commission..... \$ 3,000 00

Legislature.
For salaries and mileage of members of the general assembly, per diem of clerks, sergeants-at-arms and employes while the general assembly is in session, and the payment of the clerks of the house and senate after adjournment, as provided in sections 39, 43 and 45 of the Revised Statutes \$ 16,000 00

For chief clerks of the senate and house of representatives twelve hundred (\$1,200) dollars each for completing the record of the journals of the senate and house of representatives for the present session. The money thus appropriated to be paid at the rate of five dollars per day, as the work of completing said record progresses; but the full amount shall not be paid until the work is fully completed; and the auditor of state is hereby authorized to draw his warrant from time to time on the treasurer of state in favor of said clerks, upon the presentation by them of proper vouchers, duly certified by said clerks, to be credited for said sum as may be therein designated until the aforesaid sum of twelve hundred dollars, to each, shall be fully paid, two thousand four hundred dollars..... 2,400 00

Expense of legislative committees..... 4,000 00
Contingent expenses of the senate..... 1,000 00
Contingent expenses of the house..... 1,500 00
Contingent expense of senate clerk..... 150 00
Contingent expense of house clerk..... 150 00
For safe of clerk's office..... 250 00

For Frederick Blankner, third assistant sergeant-at-arms of the house, for taking charge of senate chamber and hall of the house and committee rooms after the adjournment of the general assembly, in the spring of 1898, and taking care of the same until January, 1899, and for taking care of the bill-books and other prop-

erty of the members, as requested by them, one thousand (\$1,000) dollars, to be paid at the rate of four dollars per day, on the warrant of the auditor of state	1,000 00
For an assistant for said Frederick Blankner in the performance of the foregoing duties at the rate of two dollars per day, when by him necessarily employed, four hundred (\$400) dollars, to be paid to said assistant on the warrant of the auditor of state	400 00

Prosecution and Transportation of Convicts.

Prosecution and transportation of convicts to Ohio penitentiary, reformatory and boys' industrial school	\$ 130,000 00
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Prosecution War Claims against General Government.

Expenses of agent.....	\$ 450 00
And to W. O. Tolford, as state agent to collect war claims against the general government, for commissions as provided for in section 3 of an act passed April 1, 1883 (vol. 80, page 122, and vol. 91, page 329).	

Secretary of State.

Contingent expenses	\$ 1,250 00
Distribution of books.....	2,350 00
Stationery	5,750 00
Steel file cases.....	1,500 00
Cutting window in office.....	200 00
Printing paper	20,000 00
Printing and distribution election laws.....	400 00

State Library.

Expenses of commission.....	\$ 180 00
Contingent expenses and extra labor.....	1,300 00
Repairs	250 00
Books and papers.....	1,250 00
For traveling library.....	4,000 00

Superintendent of Insurance.

Contingent expenses	\$ 1,800 00
Furniture and carpets.....	400 00
For clerk hire.....	200 00
For repairs	43 00
Cutting window in office.....	200 00

Bureau of Building and Loan Associations.

Salary of chief clerk.....	\$ 1,000 00
Salary of mailing clerk.....	200 00
Contingent expenses	475 00

General appro-
priations for
1898-99.

For arithmometer	\$ 375 00
Janitor	120 00
Carpets, furniture and repairs.....	200 00

Supervisor of Public Printing.

State printing	\$ 35,000 00
State binding	38,000 00
Contingent expenses	50 00

Supreme Court.

Stenographer	\$ 1,200 00
Contingent expenses	200 00
Furniture, cleaning and repairs.....	100 00

Clerk of the Supreme Court.

Contingent expenses	\$ 375 00
File cases and carpets.....	135 00

Reporter of the Supreme Court.

Contingent expenses	\$ 600 00
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Treasurer of State.

Contingent expenses	\$ 900 00
Addition to clerks salary.....	300 00
Collecting auditor of state's drafts.....	1,900 00
For stenographer	600 00
Carpets, furniture and repairs.....	800 00

Ohio Penitentiary.

Salaries of officers.....	\$ 20,000 00
Salary of guards.....	80,000 00
Current expenses	162,000 00
Manufacture of gas and improvements of lights	14,500 00
Rewards to discharged convicts.....	28,000 00
Ordinary repairs	13,500 00
Changing cells, bath-rooms and improvement clerk's office	5,000 00
Sewerage and water-works.....	2,000 00
Expenses of executions.....	1,375 00
Library, moral and religious instruction....	750 00

Ohio Reformatory.

Salaries of officers.....	\$ 18,000 00
Salaries of guards.....	24,000 00
Current expenses and clothing.....	42,000 00
Ordinary repairs	2,000 00
Furniture and carpets.....	5,000 00
Reward outgoing prisoners.....	5,000 00
Moral, religious instruction and library.....	600 00
For construction of wall around the institution	10,000 00
For construction	50,000 00

Athens State Hospital.

Current expenses	\$ 105,000 00	General appropriations for 1898-99.
Officers' salaries, and trustees' expenses.....	4,000 00	
Ordinary repairs and improvements, including furniture and carpets.....	16,250 00	
Books and pictures for wards.....	200 00	
Ventilating and heating.....	12,000 00	

Cleveland State Hospital.

Current expenses	\$ 125,000 00
Ordinary repairs and improvements, including furniture, carpets and bedding.....	13,500 00
Salaries of officers and trustees' expenses....	4,800 00
Books, pictures and surgical instruments....	300 00
Changing water-closets and installing bathing system	5,000 00

Columbus State Hospital.

Current expenses	\$ 141,125 00
Salaries of officers and trustees' expenses....	5,000 00
Ordinary repairs and improvements, including furniture, carpets and bedding.....	9,000 00
Changing drying room and employes' dining rooms	1,000 00
Repairs to heating plant.....	5,000 00

Dayton State Hospital.

Current expenses	\$ 94,000 00
Officers' salaries and trustees' expenses.....	4,000 00
Ordinary repairs, improvements and morgue, including furniture, carpets and pictures..	10,000 00
Purchase of land.....	3,000 00
Ice plant	6,000 00

Longview Hospital.

Current expenses	\$ 123,000 00
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This sum is for the support of the insane in said institution; and shall be paid into the county treasury of Hamilton county monthly, as may be necessary in payment of the current expenses of said institution. Requisitions shall be made by the trustees of said hospital upon the auditor of Hamilton county, and copies thereof furnished to the auditor of state, whereupon he shall issue his warrant upon the state treasurer in favor of the treasurer of Hamilton county for such amount, and said appropriations shall discharge the state from all legal and equitable obligations to said institution for the year, commencing February 15, 1898, and ending February 15, 1899.

General appro-
priations for
1898-99.

Massillon State Hospital.

Current expenses	\$ 36,000 00
Salaries of officers and trustees' expenses....	4,000 00
Construction	50,000 00

Toledo State Hospital.

Current expenses	\$ 141,750 00
Salaries of officers and trustees' expenses....	4,800 00
For kitchen, etc.....	5,000 00
Ordinary repairs and improvements, including furniture and carpets.....	17,500 00
Enlarging and remodeling cottages.....	11,000 00
Sewage storage tank and completing beds...	4,000 00

Boys' Industrial School.

Current expenses	\$ 55,500 00
Salaries of officers and teachers and trustees' expenses	27,000 00
Ordinary repairs and improvements.....	5,500 00
Reward fund	600 00
Ministerial	225 00
Amusements	200 00
Water supply, sewerage and sewage disposal.	24,000 00
Steam-heating plant	15,000 00

Girls' Industrial Home.

Current expenses	\$ 16,000 00
Salaries of officers and teachers and trustees' expenses	15,500 00
Ordinary repairs and improvements, including furniture, carpets, library and music....	8,000 00
Expenses of lady visiting committee.....	100 00
Religious services	300 00
Amusements	250 00
For verandas for cottages.....	1,000 00
Constructing road	1,500 00
Finishing two rooms school building, grad- ing, etc	800 00

Institution for the Education of the Deaf.

Current expenses	\$ 55,000 00
Salaries of officers and teachers and trustees' expenses	23,000 00
For two teachers for deaf and blind.....	1,500 00
Ordinary repairs and improvements, including furniture and carpets.....	7,000 00
Foremen supplies and industrial pursuits....	5,500 00
Lumber and nails for boxes.....	750 00
New boilers	3,200 00
New school building.....	15,000 00

Institution for Feeble-Minded Youth.

Current expenses	\$ 105,000 00	General appro- priations for 1898-99.
Salaries of officers and teachers and trustees' expenses	12,600 00	
Ordinary repairs and improvements, including furniture and carpets.....	11,000 00	
Electric light plant.....	12,000 00	

Ohio Soldiers' and Sailors' Home.

Current expenses and clothing, balances, amount received from the general government and	\$ 43,500 00
Salaries of officers and trustees' expenses....	6,000 00
Ordinary repairs and improvements, including furniture, carpets and bedding.....	10,000 00
Water-pipes and plugs.....	1,500 00
Construction	25,000 00

Ohio Soldiers' and Sailors' Orphans' Home.

Current expenses	\$ 95,000 00
Salaries of officers and teachers and trustees' expenses	19,000 00
Ordinary repairs and improvements, including furniture, carpets and organ.....	12,500 00
Industrial pursuits	5,800 00
Salaries of foreman and instructors.....	7,500 00
Net earnings	1,800 00
Amusements	500 00
Electric light plant, electrical school and replacing steam engines with electrical motors	4,000 00
Services in chapel.....	275 00
Support of orphans outside.....	3,000 00
Library books and magazines.....	500 00
Slaughter house	1,500 00

Ohio Hospital for Epileptics.

Current expenses	\$ 93,000 00
Salaries of officers and trustees' expenses....	5,958 00
Ordinary repairs and improvements.....	6,000 00
Transportation of inmates to and from hospital	2,000 00
Construction	28,000 00
Sewerage disposal	15,000 00
Purchase of land.....	3,000 00

Institution for the Blind.

Current expenses	\$ 44,000 00
Salaries of officers and teachers, and trustees' expenses	10,175 00
Ordinary repairs and improvements, including furniture and carpets.....	7,000 00
Toilet rooms	3,000 00

General appro-
priations for
1898-99.

Oculist	750 00
New three-story north dormitory.....	8,000 00
Addition to dining room.....	4,000 00

Miscellaneous.

Pension for Mrs. J. P. Brush.....	\$ 96 00
To aid in support of deaf mutes at Cincinnati..	2,500 00
To aid in support of deaf mutes in Cleveland.	2,500 00
For the state board of medical registration and examination, there is hereby reappropriated all moneys now in the state treasury to the credit of the fund for the uses of the board; and also appropriated all moneys hereafter received by the board from fees, fines and other receipts.	
Richard A. Harrison, in full for legal services in Torrens law case.....	1,500 00
John K. Richards, in full for legal services in Torrens law case.....	1,500 00

SECTION 2. The moneys appropriated in the preceding section shall not be in any way expended to pay liabilities or deficiencies existing prior to February 15, 1898, except in case of specific appropriations to persons named for legal services, nor shall they be used or paid out for purposes other than those for which said sums are specifically appropriated as aforesaid.

SECTION 3. No bills for clerk hire, for furniture or carpets, or for newspapers, shall be paid out of appropriations made for contingent expenses; and no money herein appropriated shall be drawn except on a requisition on the auditor of state, approved by the head of each department or the trustees of the institution, which shall set forth the services rendered or material furnished, and the date of purchase and the time of service, and it shall be the duty of the auditor of state to see that these provisions are complied with. No bills for extra clerk hire in favor of any clerk or clerks, while drawing salaries from the state, nor shall any sums be paid out for attorney's fees except on contracts under section 202, R. S., as amended, shall be allowed from any amount hereby appropriated, and this act shall take effect on its passage.

HARRY C. MASON,

Speaker of the House of Representatives.

ASAHIEL W. JONES,

President of the Senate.

Passed April 25, 1898.

194G

[Senate Bill No. 16.]

AN ACT

To reimburse Charles Fulkerson, a private in battery G, 1st regiment light artillery, Ohio national guard, for expenses incurred on account of an injury received while in discharge of duty.

WHEREAS, At the city of Marietta, Ohio, on the 22d day of September, 1893, one Charles Fulkerson, a private in battery G, 1st regiment of light artillery, Ohio national guard, was injured while in discharge of duty, acting under official orders, in the course of firing an official salute in honor of governor William McKinley, by the premature discharge of a cannon, whereby his right hand and arm were mangled and severely injured, so that he is substantially deprived of any use thereof, and

Preamble:

WHEREAS, Because of said injury, he not only endured great physical suffering and is permanently disabled, but was subject to a heavy expense for medical and surgical attendance and various other matters pertaining to said injury, amounting to fifteen hundred dollars; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated out of any money in the state treasury to the credit of the general revenue fund not otherwise appropriated, the sum of fifteen hundred dollars, to reimburse said Charles Fulkerson for the expense incurred as aforesaid.

Appropriation
for Charles Ful-
kerson.

SECTION 2. This act shall take effect upon its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 26, 1898.

195G

[House Bill No. 39.]

AN ACT

For the relief of lieutenant A. B. Chapman, of the 8th infantry, Ohio national guard.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sum be and are [is] hereby appropriated out of any moneys in the treasury to the credit of the general revenue fund not otherwise appropriated, to pay lieutenant A. B. Chapman, signal officer of the 8th infantry, Ohio national guard, the sum of three hundred and twenty-one dollars, which sum shall be in full liquidation and payment of said A. B. Chapman, for less through injuries received by him in the discharge of duty as a member of the Ohio national guard, while in camp at Steubenville, Ohio, August 29, 1897.

Appropriation
for A. B. Chap-
man.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 25, 1898.

196G

[Senate Bill No. 53.]

AN ACT

To amend section 2310, Revised Statutes of the State of Ohio, regulating the sprinkling of streets in cities of the first class.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2310 of the Revised Statutes of Ohio be amended so as to read as follows:

Assessments:

Sprinkling, etc.,
in cities of the
first class.

Sec. 2310. When the owner or owners of land fronting or abutting on any highway, namely: street, avenue, alley or parkway, within any city of the first class of this state, omit to provide for and sprinkle with water said highway, or any specified part thereof, which is petitioned for as herein provided, on or before the first day of May of each current year, the council of said city may provide by ordinance, to sprinkle the same at such time and in such manner as it deems proper; provided, before said ordinance is passed by said city, not less than two-thirds of all the owners of land fronting and abutting said highway shall first petition in writing to said city asking that said work be done.

Dry strip to be
left in sprinkled
streets,

Sec. 2310a. In sprinkling the streets and avenues, whether by private contract or otherwise, as provided in 2310, a dry strip shall be left on all streets and avenues, which are not less than twenty feet in width between curbs; on all streets and avenues paved with asphalt, brick or granite, said dry strip shall not be less than four feet in width, and on all other streets and avenues said strip shall not be less than three feet in width. Be it still further provided, that bicycle riders shall have the right of way on said dry strip at all times. Any person or persons failing to leave the dry strip in sprinkling any street as herein provided, or any person or persons obstructing any bicycle rider or refusing to allow such bicycle rider to have the right of way of said dry strip as provided herein, shall be deemed to have committed a misdemeanor and on conviction thereof shall be fined in any sum not exceeding five (\$5.00) dollars.

Bicycle riders to
have right of
way of dry strip.
Penalty for fail-
ing to leave dry
strip, or refusing
right of way to
bicycle rider.

Repeals.

SECTION 2. Said original section 2310 is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 26, 1898.

197G

[Senate Bill No. 63.]

AN ACT

To amend section 6710 (as amended 91 O. L., 278), of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6710 of the Revised Statutes be amended so as to read as follows:

Jurisdiction in error:

Sec. 6710. A judgment rendered, or a final order made, by any circuit court, or a judge thereof, court of common pleas, or a judge thereof, probate court, insolvency court, or the superior court, or a judge thereof, may be reversed, vacated or modified by the supreme court, on petition in error, for errors appearing on the record, in any case in quo warranto, mandamus, habeas corpus, procedendo, or in which is involved the construction of the constitution of the United States, or of the state of Ohio, or the jurisdiction of any court of this state, or the construction or validity of a treaty or statute of, or authority exercised under the United States, or in which the decision is contrary to that of any circuit court, and not in accord with a previous decision in the supreme court, or in which is involved, exclusive of interest and costs, the sum or value of more than three hundred dollars; but no petition in error in such cases, except as to the judgment or final order of the circuit court, or a judge thereof, or of the general term of the superior court of Cincinnati, shall be filed without leave of the supreme court, or judge thereof, and the supreme court shall not in any civil cause or proceeding, except when its jurisdiction is original, be required to determine as to the weight of evidence; and on application of any party excepting to a ruling or decision of the circuit court during the trial, or on motion for a new trial, such court shall find from the evidence, and state on the record the facts upon which the alleged error arises, or which may be material in determining whether error has intervened or not.

Jurisdiction of supreme court in error; finding of facts.

SECTION 2. That section 6710 of the Revised Statutes of Ohio, as amended May 16, 1894, be and the same is hereby repealed.

Repeals.

SECTION 3. This act shall take effect from and after its passage, and shall apply to all causes of action existing,

Application of provisions of act.

and actions pending at that time in all courts inferior to the supreme court.

HARRY C. MASON,
Speaker of the House of Representatives

ASAHEL W. JONES,
President of the Senate

Passed April 25, 1898.

198G

[Senate Bill No. 68.]

AN ACT

To provide for the more definite description in advertisements for the sale of real estate in judicial proceedings.

Notices and advertisements of sale of lands and tenements under order of court to contain accurate description of location of property.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That all notices and advertisements for the sale of any lands and tenements located in any hamlet, village, town or city in the state of Ohio, which notice and advertisement is made by virtue of proceedings in any court of record in said state, shall contain in addition to a description of such lands and tenements, the street number of the building or buildings erected on said lands, or the street number of the lots offered for sale; and if no such number exists, then such notice or advertisement shall contain the name of the street or road upon which such lands and tenements are located, together with the name of the streets or roads immediately north and south of and east and west of such lands and tenements, that cross or intersect the street or road upon which such lands or tenements are located, and all notices and advertisements for the sale of any lands and tenements located in any township and not within the limits of any hamlet, village, town or city in the state of Ohio, which notice and advertisement is made by virtue of proceedings in any court of record in said state, shall contain the name of the township in which said lands and tenements are located.

When act takes effect.

SECTION 2. This act shall take effect and be in force from and after the first day of June, 1898.

HARRY C. MASON,
Speaker of the House of Representatives

ASAHEL W. JONES,
President of the Senate

Passed April 25, 1898.

199G

[Senate Bill No. 81.]

AN ACT

For the relief of the family of Charles J. McFarland, late private company A, 14th regiment, Ohio national guard.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the auditor of the state be and he is hereby authorized and required to issue his warrant on the state treasury, to pay to Mary D. McFarland, mother of Charles McFarland, late private in company A, 14th regiment, Ohio national guard, the sum of \$1,000, out of any money in the treasury to the credit of the general revenue fund not otherwise appropriated, which sum shall be in full liquidation and payment to said Mary D. McFarland, for loss by death of said Charles McFarland, caused by consumption contracted by him while in the line of duty as required by law, as a member of the Ohio national guard, and resulting from exposure during the mining strike in eastern Ohio, June 6 to 20, 1894, from which cause he died April 23, 1897, to be in full of all claims and demands against the state for or on account of the loss aforesaid.

Warrant in
favor of Mary D.
McFarland.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHIEL W. JONES,
President of the Senate.

Passed April 26, 1898.

200G

[House Bill No. 93.]

AN ACT

Making appropriations for the relief of certain persons who formerly held lands in the Virginia military district of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated, out of any money in the state treasury, to the credit of the Ohio state university fund, for the relief of the persons hereinafter named, who held unpatented grants of land in the "Virginia military district of Ohio," and were compelled to pay the Ohio state university for said lands, the following sums:

Appropriations
for certain persons.

John R. Satterfield, Tussie Satterfield, Benjamin Satterfield, Mrs. Lizzie Campbell, Mrs. Jane Wamsley and Mrs. Mary Ellis, heirs of Wesley Satterfield	\$ 525 00
G. W. Pettit, the administrator de bonis non, etc., of Joannah Nixon.....	260 00

W. L. Holmes.....	112 00
Samuel Smith Mason.....	100 00
Christian Shupert	54 00

The auditor of state shall draw his warrant on the treasurer of state in favor of the persons above named, and for the amounts stated, upon orders of the secretary of state, auditor of state and attorney-general, as provided in section 1 of the act of May 21, 1894 (91 O. L., 375).

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.
201G

Passed April 25, 1898.

[House Bill No. 110.]

AN ACT

To amend section 2689 of the Revised Statutes of Ohio, as amended by an act passed April 16, 1883 (80 O. L., 128), and to amend and supplement section 2721 of the Revised Statutes of Ohio, as amended by an act passed April 16, 1883 (80 O. L., 139).

Finance and taxation: SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2689 of the Revised Statutes of Ohio, as amended by an act passed April 16, 1883 (80 O. L., 128), be amended so as to read as follows:

Maximum taxes in cities of the first grade, first class, Cincinnati:

Sec. 2689. The aggregate of all taxes levied or ordered to be put upon the grand duplicate above the tax for county and state purposes, including the levy for general purposes, and the tax for schools and school house purposes, and for hospital purposes, and other special purposes, in cities of the first grade of the first class, shall not exceed in any one year thirteen mills on each dollar of the value of any property as valued for taxation on the county tax list, and such further rate as may be certified by the trustees of the sinking fund pursuant to section two thousand seven hundred and twenty-one *a* (sec. 2721*a*).

Sinking fund:

SECTION 2. That section 2721 of the Revised Statutes of Ohio, as amended by an act passed April 16, 1883 (80 O. L., 139), be amended and supplemented so as to read as follows:

Report of trustees:

Sec. 2721. The trustees of the sinking fund in cities other than those of the first grade of the first class, shall in the month of May in each year, or as soon thereafter as possible, certify to the city council the rate of tax necessary to provide a sinking fund for the future payment of the bonds issued by the city, and for the payment of judgments final against the city, except in condemnation of property cases, which rate shall not exceed in any year the sum of one mill; also the amount necessary to be levied

to provide for the payment of the interest on all the bonded indebtedness of the city, and the rents due on all perpetual leaseholds of the city not payable from special funds; and the city council shall place the several amounts so certified in the tax ordinance before and in preference to any other item, and for the full amount certified.

Duty of council.

Sec. 2721a. The trustees of the sinking fund in cities of the first grade of the first class shall, in the month of May in each year, or so soon thereafter as possible, certify to the board of legislation the rate of tax necessary to provide a sinking fund for the future payment of the bonds issued by the city, and for the payment of judgments final against the city, except in condemnation of property cases; also the rate of tax necessary to provide for the payment of the interest on all the bonded indebtedness of the city, and the rents on all perpetual leaseholds of the city not payable from special funds, and the several rates so certified shall be included in the tax ordinance before, and in preference to any other item, and for the full amount certified. Said taxes shall be in addition to the amount authorized to be levied for other municipal purposes, and shall be sufficient in connection with other available means to provide the money for the full payment of the said judgments, interests and rents as they become due, and for the final redemption of said bonds.

Report of trustees to board of legislation in cities of first grade, first class (Cincinnati).

SECTION 3. That said sections 2689 and 2721, as amended as aforesaid, be and the same are hereby repealed; and this act shall take effect and be in force from and after its passage.

Repeals, etc.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 25, 1898.

202G

[Senate Bill No. 148.]

AN ACT

To amend sections 3 and 4 of an act passed April 14, 1886 (O. L., 83, p. 78), entitled "An act to create and establish a state board of health in the state of Ohio."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 3 and 4 of an act passed April 14, 1886, entitled "An act to create and establish a state board of health in the state of Ohio," be amended so as to read as follows:

State board of health:

Sec. 3. The board of health shall have supervision of the state system of registration of births and deaths as hereinafter provided; they shall prescribe such forms for the collection and registration of births and deaths, consistent with this act or other acts regulating the same, as they may deem necessary, and shall furnish copies of

Registration and vital statistics.

Chemical and
bacteriological
laboratory.

Secretary to
have charge of
laboratory; com-
pensation.

• Assistant; com-
pensation.

Local reports to
board of conta-
gious diseases.

Authority of
board in case of
epidemic to ap-
point sanitary
officer to enforce
orders.

Repeals, etc.

such forms to the auditor and probate judge of each county and recommend such legislation as shall be deemed necessary for the thorough registration of vital and mortality statistics throughout the state. The secretary of the board shall be the superintendent of such registration. The clerical duties and the safe keeping of the bureau of vital statistics thus created shall be provided by the secretary of state. The board may establish and maintain a chemical and bacteriological laboratory for the examination of public water supplies, the effluent of sewage purification works for the diagnosis of diphtheria, typhoid fever, hydrophobia, glanders, and such other diseases as they may deem necessary, and for the examination of food suspected to be the cause of disease; and said board shall examine and report annually the condition of all public water supplies. The secretary of the board shall have charge of said laboratory, and may receive for such services a sum not to exceed five hundred dollars (\$500) per annum, to be fixed by the board. The board may employ an assistant for the laboratory skilled in chemistry and bacteriology, and fix his salary, at a sum not to exceed fifteen hundred dollars (\$1,500) per annum, and the expenses so incurred shall be paid out of the appropriations made for said board. The board shall include in its annual report a full report of all examinations made in said laboratory, and a detailed account of all expenses so incurred.

Sec. 4. It shall be the duty of the boards of health, health authorities or officials, and of physicians in localities where there are no health authorities or officials, to report to the state board of health, promptly upon discovery thereof, the existence of any one of the following diseases which may come under their observation, to wit: Asiatic cholera, yellow fever, small pox, scarlet fever, diphtheria, typhus or typhoid fever, and of such other contagious or infectious diseases as the state board may from time to time specify. And when any contagious or infectious disease shall become or threaten to become epidemic in any city, village, hamlet or township, and the local authorities shall neglect or refuse to enforce efficient measures for its prevention, the state board of health, or its executive officer on the order of the president of said board, may appoint a medical or sanitary officer and such assistants as he may require, and authorize him to enforce such orders or regulations as said board or its executive officer may deem necessary.

SECTION 2. That said sections 3 and 4 be and the same are hereby repealed, and this act shall take effect and be in force from and after its passage.

HARRY C. MAISON,
Speaker of the House of Representatives

ASAHEL W. JONES,
President of the Senate

Passed April 25, 1898.

203G

[Senate Bill No. 157.]

AN ACT

To revise and improve the statutes of Ohio relating to the care of the poor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That sections 957, 958, 959, 960, 961, 962, 963, 964, 964a, 965, 966, 967, 968, 974, 974-1, 974-2, 974-3, 976, 979, 980, 981, 984 and 985 (chapter 2, title 8, part 1) of the Revised Statutes of Ohio be amended so as to read as follows:*

Infirmary directors:

REVISED STATUTES OF OHIO--PART FIRST,
TITLE EIGHT.

CHAPTER II.

INFIRMARY DIRECTORS.

SECTION.

957. Infirmary directors: election, number and term.
958. Election in county on completion of infirmary: terms.
959. Vacancy: how filled and when board may be appointed.
960. Bond.
961. Organization; quorum; a corporate body; general powers; quarterly and special meetings; record.
962. Board to appoint superintendent and fix his salary; director not eligible to any employment; duties of superintendent; whom he shall receive; his bond and oath; further duties of the superintendent.
963. Reserve fund for supplies to be paid to the superintendent.
964. Annual certificates to county auditor; repairs and improvements.
964a. Additional levy authorized.
965. County auditor shall receive vouchers.
966. Directors to inspect institutions.
967. Directors shall make report to county commissioners.
968. Compensation of infirmary directors: amount of; by whom allowed and by whom paid.
969. Directors may remove certain persons.
971. Duties of trustees and directors in cases of outside relief: costs of relief; how paid; reports to board of state charities; to contain what.

SECTION.

- 974-1. Medical relief in townships; infirmary directors may contract for same.
974-2. To whom contract shall be given.
974-3. Directors may discharge said physicians.
976. Directors may contract with private homes for care of dependent children; cost of maintenance; how determined.
979. Inmates of infirmaries to be charged for cost of their maintenance by directors in all cases when such inmates are owners of property, real or personal; [accounts:] how kept.
980. Estate of inmates; disposition of, by directors in case of discharge or death.
981. Real estate belonging to inmates of infirmary to be sold by directors except in certain cases; proceeds of sale, how disposed of.
984. Directors directly or indirectly selling or furnishing supplies for support of poor liable to fine of from \$500 to \$3,000 and criminal prosecution; applies also to superintendent and any other officer.
985. Persons guilty of transferring persons to any city, township or county in order to shift the responsibility of caring for same liable to fine of \$50 for each offense.

Sec. 957. In every county in which there is a county infirmary, there shall be a board of infirmary directors, composed of three persons, one of whom shall be chosen every year, and shall hold his office for three years, commencing on the first Monday in September next after his election. They shall be chosen by the electors of the county, unless part of the county is not taxed for the support of the county infirmary, in which case they shall be voted for

Infirmary directors; election, number and term.

only by residents of the territory so taxed. [83 v. 198 Rev. Stat 1880; 73 v. 233, § 1; (S. & S. 530).]

Election in
county on com-
pletion of in-
firmary; terms.

Sec. 958. In each county in which the county infirmary has not yet been completed, there shall be elected, at the first election of county officers after the completion thereof, a board of three infirmary directors, one for one year, one for two years, and one for three years, the term of office commencing as above, and annually thereafter, there shall be elected one infirmary director, for the term of three years. [73 v. 233, § 1; (S. & S. 530; S. & C. 930).]

Vacancy, how
filled, and when
board may be
appointed.

Sec. 959. If a vacancy occur in a board of infirmary directors, the county commissioners shall fill such vacancy and on the completion of the county infirmary, in a county not having a board of infirmary directors, if the commissioners think the public interests require the services of a board, before the same can be elected and qualified under the preceding sections, the commissioners may appoint three directors to serve till the board is established, as aforesaid. [73 v. 233, § 2; (S. & S. 531).]

Bond.

Sec. 960. Each infirmary director shall, before entering on the discharge of his duties, give bond to the state with two or more sureties, in any sum not more than thirty thousand dollars nor less than two thousand dollars, to the acceptance of the county commissioners, conditioned for the faithful performance of his duties; which bond, with the approval of the commissioners and the oath of office endorsed thereon, shall be deposited with the county treasurer. [73 v. 233, § 1.]

Organization;
quorum; a cor-
porate body;
general powers;
quarterly and
special meet-
ings; record.

Sec. 961. The board shall organize by appointing one member president, and another, clerk, and a majority shall form a quorum. The board shall be a body corporate and politic, with perpetual succession, and shall be known by the name of the board of infirmary directors of _____ county, and by that name may sue and be sued, defend and be defended, in any court within the state; the board may have a common seal, with the coat of arms of the state together with the name of the infirmary thereon, which it may alter or change. It shall make all such contracts and purchases as are necessary for the institution, and shall prescribe such rules and regulations as it thinks proper for the management and good government of the same and for inducing the practice of sobriety, morality, and industry among its inmates. It shall meet not oftener than once a month at the infirmary, but the president may call a special meeting of the board at any time he deems necessary. The directors shall keep a book, in which the clerk shall record the proceedings of their meetings and all their transactions, which book shall at all times be open to the inspection of the public. [73 v. 233, §§ 1, 3; (S. & S. 531; S. & C. 927).]

Board to appoint
superintendent
and fix his sal-
ary; director not
eligible to any

Sec. 962. The directors shall appoint a superintendent who shall reside in some apartment of the infirmary or other building contiguous thereto, and shall receive such

compensation for his service as they determine. He shall perform such duties as they may impose upon him, and be governed in all respects by their rules and regulations, and he shall not be removed by them except for good and sufficient cause; but in no case shall the directors appoint one of their own number, superintendent, nor shall any director be eligible to hold any other office, directly or indirectly, in the infirmary, or receive any compensation whatever, as physician, or otherwise, either directly or indirectly, wherein the appointing power is vested in the board of directors. The superintendent shall require all persons received into the infirmary to perform such reasonable and moderate labor as is suited to their age and bodily strength; and the directors shall sell all products of the infirmary, not necessary for the use of the same, and all moneys arising therefrom shall be paid into the county treasury, to be placed to the credit of the poor fund, to be paid out by the board of directors as exigency requires. The superintendent shall receive into the infirmary any person who produces to him such an order or voucher as is required by law; but the directors may confer upon him the authority to discharge inmates of the infirmary; and he shall enter in a book, to be provided for him and kept for that purpose, the following information, so far as it can be ascertained, in reference to every person so received into the infirmary: Name, sex, age, nativity, date of admission, length of residence in the state, length of residence in the county, from what township received, whether the person so received is insane, idiotic or epileptic, whether diseased, deformed, crippled, blind, or deaf and dumb, the date of discharge from the infirmary and reasons therefor; the date of all deaths and causes of same, the number of births and the parentage of all children born in the infirmary. The superintendent shall, before entering upon his duties, execute a bond, with two or more sureties to the acceptance of the directors, in a sum not less than two thousand nor more than twenty thousand dollars as they may require, payable to the state, and conditioned for the faithful discharge of his duties; which bond, with the approval of the board and his oath of office indorsed thereon, shall be deposited with the county treasurer; and the superintendent shall require itemized bills for all labor performed under his direction, or articles purchased by him, and provided for the use of the infirmary or the farm connected therewith, and he shall certify over his official signature, on the back thereof, to the correctness of the same, and that such labor was performed or articles delivered for the uses aforesaid. [73 v. 233, § 8; (S. & S. 531; S. & C. 927).]

employment;
duties of superintendent;
whom he shall receive; his bond and oath; further duties of the superintendent.

Sec. 963. A reserve fund shall be set apart out of the poor fund by the directors, not exceeding at any time, two hundred dollars, at the request of the superintendent and upon their order be paid to the superintendent, and expended by him as needed, for current supplies and ex-

Reserve fund for supplies to be paid to the superintendent.

penses, and of this fund the superintendent shall keep an accurate account, and all expenditures thereof shall be audited by the board; and when, and as often as the same is entirely disbursed, the county auditor shall, on the order of the board of directors, pay to the superintendent the amount so authorized by the directors. [73 v. 233, § 5.]

Annual certificate to county auditor: repairs and improvements.

Sec. 964. The board of infirmary directors shall on the first Monday in March annually, certify to the county auditor the amount of money they will need for the support of the infirmary for the ensuing year, including the amount for all needful repairs at the infirmary; and the county auditor shall place the amount so certified by the infirmary directors on the tax duplicate of the county, and said infirmary directors shall have full control of said poor fund and shall be held responsible for the same. [1886. May 18: 83 v. 202; 79 v. 135; Revised Statutes 1880; 73 v. 233, § 6.]

Additional levy authorized.

Sec. 964a. Whenever in any county the funds applicable thereto are not sufficient for the support of the poor, the infirmary directors may levy for that purpose, in addition to the levies otherwise authorized, any rate not exceeding six-tenths of a mill on the dollar of valuation.

County auditor shall receive vouchers.

Sec. 965. The auditor shall receive any vouchers given by the directors, and countersigned by the clerk, to any person or persons, other than the directors themselves, for labor, provisions, medical attendance, or supplies of any kind furnished to said institution, and shall give such person a warrant on the county treasurer for the proper amount, who shall pay the same out of the county poor fund and such vouchers shall show the specific item or items allowed by the directors, or shall be accompanied by a written statement showing the items so allowed. [73 v. 233, § 7.]

Directors to inspect institution.

Sec. 966. At each monthly meeting, and at such other times as they deem it necessary, the directors shall carefully examine the condition of the institution, and the inmates, the manner in which they are fed, clothed and otherwise provided for and treated; they shall ascertain what labor they are required to perform, and shall inspect the books and accounts of the superintendent. [73 v. 233, § 9.]

Directors shall make report to county commissioners.

Sec. 967. The directors shall on the first Monday of March and September of each year, report to the commissioners of the county the condition of the infirmary, number of inmates therein, and such other information as the board thinks proper, with a full account of all moneys received and paid out, together with vouchers, and from whence received, to whom and for what paid out; and such report, when made, shall be examined by the commissioners, and if found correct and allowed by them, shall be entered in the minutes of their proceedings; but no item in the account shall be allowed for which there is not a proper voucher; and the report and vouchers shall be

filed in the auditor's office, and safely preserved by him; and in their September report the directors shall give the statistical information for the year preceding the first day of that month as provided for under section 962. Said report to show the whole number of inmates at beginning of year; number received during the year; number born in the infirmary; total number of inmates for the year; number discharged during the year; number of deaths during the year; number removed to other counties, states or institutions; whole number remaining; daily average; whole number of children under sixteen years of age; how many placed in homes; how many children remaining — boys, girls; of the number of children remaining how many of sound mind; how many children helplessly crippled; how many insane — males, females; how many epileptics — males, females; how many idiotic — males, females; total current expenses of infirmary, exclusive of farm products, for the year; total value of farm products for the year; total amount paid in the county for outdoor relief during the year; amount of salaries during the year, superintendent, matron, teacher; amount of wages paid employees; amount per diem and expenses of infirmary directors for the year. [73 v. 233, § 10; (S. & C. 928).]

Sec. 968. Each infirmary director shall be allowed, in addition to his actual traveling expenses, \$2.50 for each day he is employed in his official duties. He shall present an itemized account of his services and expenses in the discharge of his official duties to the board of directors at a regular meeting; said account after being approved by said board, shall be submitted to the board of county commissioners at a regular session of said board, who upon their approval thereof, shall allow the same to be paid out of the county fund on the order of the county auditor. [1885, January 30: 82 v. 14; Rev. Stat. 1880; 73 v. 233, § 4.]

Compensation of infirmary directors; amount of; by whom allowed and by whom paid.

Sec. 969. The board of infirmary directors of any infirmary may remove any person becoming a charge upon the county, who has no legal settlement in the state, to the county and state where such person has a legal settlement. [73 v. 233, § 17.]

Directors may remove certain persons.

Sec. 974. When, in any county having an infirmary, the trustees of a city or township shall, after making the inquiry provided for, be of the opinion that the person complained of is entitled to admission to the county infirmary, they shall forthwith transmit a statement of said facts, so far as they have been able to ascertain the same, to the infirmary directors, and if it appears that such person is legally settled in said township or has no legal settlement in this state, or that such settlement is unknown, and the directors are satisfied that said person should become a county charge, they shall forthwith receive said person and provide for him or her in said institution, or otherwise, and thereupon the liabilities of the township in the case shall cease, but the infirmary directors shall not

Duties of trustees and directors in cases of outside relief; costs of relief; how paid; reports to board of state charities, to contain what.

be liable for any relief furnished, or expenses incurred by the township trustees. The infirmity directors shall report quarterly to the board of state charities, the names of all persons to whom relief has been given outside of the infirmity, whether medical or otherwise, together with their age, sex and nationality, whether such persons are married or single, and if married the number of persons in the family and the ages of each; also the reasons for extending relief, the nature of the relief given, the amount of same, and any other information that may be prescribed by said board. [1886, May 18: 83 v. 202, 203; 80 v. 108; Rev. Stat. 1880; 74 v. 32, § 24; 76 v. 10, § 1.]

Medical relief in townships: infirmity directors may contract for same.

Sec. 975. In all counties of the state of Ohio, the infirmity directors may contract with one or more competent physicians, to furnish medical relief and medicines necessary for the persons of their respective townships, who come under their charge, but no such contracts shall extend beyond one year. Said contracts shall be given to the lowest competent bidder, the directors reserving the right to reject any or all bids. Said physicians shall report quarterly to said infirmity directors on blanks to be furnished by said directors, the names of all persons to whom they have furnished medical relief or medicines, the number of visits made in attending such persons, the character of the disease, and such other information as may be required by said directors. Said directors shall have the power to discharge any of said physicians for proper cause.

Directors may contract with private homes for care of dependent children: cost of maintenance: how determined.

Sec. 976. In the several counties of this state where there is not a children's home established or maintained under the laws passed for that purpose, and where there is such a home established by private charity or otherwise, the infirmity directors of any such county or the superintendent of any corporation infirmity therein, shall have authority, in case any child under sixteen years of age, of a sound mind, and free from all infectious or contagious diseases, becomes a county or township charge, to transfer such child to said home established and maintained by private charity or otherwise, instead of committing it to the county or corporation infirmity; but the cost for maintaining such child shall be the same as in similar institutions while it remains a public charge. [1886, May 18: 83 v. 196, 197; Rev. Stat. 1880; 73 v. 233, § 26.]

Inmates of infirmaries to be charged for cost of their maintenance by directors in all cases when such inmates are owners of property, real or personal; accounts: how kept.

Sec. 979. When any person becomes a county charge, whether insane or otherwise, and such person is possessed of, or is the owner of property, whether real or personal, or has an interest in remainder, or is in any other manner legally entitled to gift or legacy, or bequest, of whatever nature or kind the same may be, the infirmity directors or board of administration or directors of any corporation infirmity shall take possession of all such property or other interest such person is entitled to, and as soon thereafter as they deem proper, sell or dispose of the same, the real estate to be sold as hereinafter provided; and the net

proceeds arising therefrom shall be applied in whole or in part, under the special direction of the said infirmiry directors or said board of administration or directors of said corporation infirmiry, in such manner as they think best to the maintenance of such person, during the continuance of such person in said infirmiry, and the net proceeds arising from the sale of any property belonging to such person shall be paid over to the county treasurer, and by him placed to the credit of such person to be paid out on the warrant of the county auditor, approved by the county commissioners; and the clerk shall open an account with said person and charge him with board, and such specific items as are furnished for his exclusive use, which account shall be approved by the board of infirmiry directors or the proper officers of said corporation infirmiry, and shall be submitted to the county commissioners on the first Monday of March and September, of each year, when the infirmiry directors or the superintendent of said corporation infirmiry make their reports. [73 v. 233, § 29; (S. & S. 533; S. & C. 931).]

Sec. 980. Upon the death of an inmate of an infirmiry, or who is in a lawful manner discharged therefrom, whose property or effects have been disposed of, and the avails thereof applied as provided for in the preceding section, if there remains a balance due and in favor of said person on the books of the institution, such balance shall be paid by the directors to said person discharged, or in case of death to his or her legal representatives. [73 v. 233, § 30; (S. & S. 533; S. & C. 931).]

Estate of inmates; disposition of, by directors in case of discharge or death.

Sec. 981. When a person becomes a county charge, or the inmate of a corporation infirmiry, whether insane or otherwise, and such person is possessed of, or is the owner of real estate, or has an interest in reversion, or is in any manner legally entitled to any gift, legacy, or bequest, in real estate, the directors or proper officers of said corporation infirmiry shall take possession of all such property or other interest such person is entitled to, and when they deem advisable and to the best interest of said person shall proceed to sell the same, and they shall file a petition for that purpose in the court of common pleas, or probate court, in the county where such property is situated, and the proceedings therefor, sale, confirmation of sale and execution of deed by said directors, or proper officers of said corporation infirmiry, shall in all respects, be conducted in conformity to the practice and statutory provisions for the sale of real estate by guardians, and the net proceeds arising from such sale shall be applied, under the special direction of the directors, or the proper officers of said corporation infirmiry, in such manner as they think best to the maintenance of such person during his continuance in the infirmiry; but if the guardian, husband, wife, heirs, or persons who are entitled to the residuary interest in the property of said person give bond to

Real estate belonging to inmates of infirmiry to be sold by directors, except in certain cases; proceeds of sale; how disposed of.

the directors of the infirmary, or the proper officers of said corporation infirmary, to their satisfaction, and pay into the hands of the clerk of the board of directors, or proper officers of said corporation infirmary, at such times as the directors or the proper officers of said corporation infirmary require, an amount sufficient to support said person while he or she remains in the infirmary, the directors or the proper officers of said corporation infirmary shall not take charge of said property. [73 v. 233, § 31; (S. & S. 533; S. & C. 931).]

Directors, directly or indirectly, selling or furnishing supplies for support of poor, liable to fine of from \$500 to \$3,000 and criminal prosecution; applies also to superintendent and any other officer.

Sec. 984. No infirmary director shall, directly or indirectly, sell or supply any article, to a superintendent or other person, to be used for the relief of the poor; and no order shall be made by an infirmary director for the payment of any such supplies sold or furnished by such director, nor shall any order for the payment of money for supplies sold or furnished be paid to any such director, or assignee or holder thereof; and any superintendent, director, trustee, or other officer, who shall certify to, allow, or draw an order for the payment of any account or bill, knowing the same to be false or fraudulent, in whole or in part, shall forfeit and pay a sum not less than five hundred dollars nor more than three thousand dollars, for every such offense, and shall be liable to criminal prosecution, as provided by law.

Persons guilty of transferring persons to any city, township or county in order to shift responsibility of caring for same, liable to fine of \$50 for each offense.

Sec. 985. If a person transports, removes, or brings, or causes to be transported, removed, or brought, any poor or indigent person into any city, township, or county in this state, without lawful authority, and there leaves such poor indigent person, with intent to make such city, township or county chargeable with the support of such person, such person so offending shall forfeit and pay the sum of fifty dollars for every such offense, for the use of the poor of the city or township in which such person is left, to be recovered by civil action, in the name of the state, before any court of competent jurisdiction. [1880, March 6: 77 v. 39; Rev. Stat., 1880; 77 v. 223, § 35; (S. & S., 534; S. & C., 932).]

County commissioners:

SECTION 2. That sections 931a and 931b and 945 of the Revised Statutes of Ohio, and an act entitled "An act to amend section 2 of an act passed April 9, 1883, etc.," as passed May 4, 1885 (O. L., vol. 82, page 249), be amended so as to read as follows:

Separation of child from pauper mother: how accomplished; under what circumstances to be temporarily provided for at infirmary.

Sec. 931a. No child under the age of one year shall be separated from its mother, if such mother be an inmate of the county infirmary, unless with the approval of the probate court first given; and whenever a child who is an applicant for admission to a children's home, shall, upon examination by a regular practicing physician, be declared to be afflicted with any contagious or infectious disease, and there shall be no means provided at the children's home for its separation from the other children, it shall be cared for by the infirmary directors until such time as

it shall become eligible to the children's home. [1888, April 3: 85 v. 145.]

Sec. 931b. All children now maintained in the county infirmary of any county in this state, or who shall hereafter be received into any such county infirmary, and shall become eligible to the children's home of such county or district, shall be certified to the trustees thereof, by the infirmary directors; and all children who are found by township trustees to be proper subjects for the care of the county, and eligible to such children's home, shall be certified to the trustees of the home by the trustees of the township of which they are residents, and shall be conveyed to such home and the expense thereof paid for out of the township poor fund; but in case any child shall be found abandoned and destitute, and is eligible to the children's home, the superintendent of the home may provide and care for it temporarily, until the proper officers can be notified. [1888, April 3: 85 v. 148.]

Children in infirmaries eligible to home to be certified to trustees by directors; township trustees to certify certain children to trustees; children admitted to home temporarily by superintendent in certain cases.

Sec. 931c. That from and after the passage of this act, it shall not be lawful to keep or maintain in any county infirmary in this state, any child or children entitled to admission into a children's home, except such as are imbecile, idiotic or insane; and the board of commissioners of any county in the state, where such home has not already been provided, shall make temporary provisions for such children by transferring them to the nearest children's home where they can be received and kept at the expense of the county, or by leasing suitable premises for that purpose, which shall be furnished, provided, and managed in all respects as now provided by law for the support and management of children's homes in the state of Ohio; provided, or the commissioners may provide for the care and support of such children within their respective counties, in the manner deemed best for the interest of children, and the commissioners shall levy an additional tax, which shall be used for that purpose only. [1885, May 4: 82 v. 249; 82 v. 86; 81 v. 92; 80 v. 102.]

Unlawful to maintain children in infirmaries, except certain cases; county commissioners to make provisions for care of children may make additional levy.

Sec. 945. Children who are under the custody of parent, guardian or next friend, and who, by reason of neglect, abuse, or from the moral depravity, habitual drunkenness, incapacity or unwillingness of such legal custodian to exercise proper care or discipline over them, are being brought up to lead idle, vagrant, or criminal lives, shall, if the trustees of the township in which they have a legal settlement, or the infirmary directors of the county, after a careful and impartial investigation of the condition and facts, as they exist, deem it manifestly requisite for the future welfare of such children, and for the benefit and protection of society, be committed to the guardianship of the trustees of a county or district children's home. [73 v. 64, § 17.]

Township trustees may remove children from improper or vicious homes or surroundings and commit to county home.

SECTION 3. That section 3135 of the Revised Statutes of Ohio be amended so as to read as follows:

Apprentices:

Children may be bound out to orphans' asylums or children's homes, and in turn by said asylums or homes to other persons.

Sec. 3135. The father, or if he is dead, the mother, or the trustees of a township, or the board of directors of a county infirmary, or the officers of a municipal corporation who are authorized by law to bind out orphan or destitute children, may, with the consent of the trustees, directors, or managers thereof, bind any minor to an orphan asylum or children's home incorporated by law of this state; the indenture shall provide that the minor shall remain in the said asylum or home, to be supported thereby, and subject to the control thereof, until such time as the officers thereof find a suitable home or place for the minor; and the officers of such asylum or home may bind out any such minor, by indenture as provided in this chapter, or other contract, as they deem most for the benefit and interest of the minor. [51 v. 540, §§ 1, 2, 3, 4; S. & C. 79.]

Poor:

SECTION 4. That sections 1491, 1493, 1494, 1495, 1496, 1497, 1498 of the Revised Statutes of Ohio, sections 1, 2 and 3 of an act entitled "An act for the relief of the poor in counties having no infirmary," passed March 27, 1889, O. L., vol. 86, page 143; section 1 of an act entitled "An act authorizing infirmary directors and township trustees to require recipients of public relief, not in county or city infirmaries, who are able to do manual labor to perform labor in public parks, highways, etc., to the value of the relief afforded," passed February 14, 1894 (O. L., vol. 91, page 25), section 1500 of the Revised Statutes, section 1500a of the Revised Statutes, as amended April 24, 1890 (O. L., vol. 87, page 283), be amended so as to read as follows:

Township trustees and corporation officers to afford relief to whom.

Sec. 1491. The trustees of each township in the state or the proper officers of each corporation therein, shall afford at the expense of their township or corporation, public support or relief to all persons therein who may be in condition requiring the same, subject to the conditions, provisions and limitations herein. [73 v. 233, § 11; (S. & S. 525).]

Relief of needy blind person; how provided for.

Sec. 1491a. That in any township in this state where there may reside a blind person and said person is in need or partial relief or who may be in need of permanent relief, the township trustees shall, at their meeting in April of each year, certify to the county commissioners the amount required for the relief of such person, or persons, which amount shall not exceed one hundred dollars (\$100.00) each per annum per capita. Such certification to county commissioners shall be made of record, certifying by name the person, or persons, for whom relief is required and the amount for each of said persons. The county commissioners shall make a levy upon each of the respective townships to the amount certified by the trustees thereof, and such amount, when paid into the county treasury, shall be paid to the respective township treasurer, to be used by him, upon the orders of the trustees of said township, for the relief or maintenance of the persons so certified to the county commissioners as needy blind.

Sec. 1493. Any person who has a legal settlement in any county in this state shall be considered to have a legal settlement in any township or corporation therein in which he or she may reside. [73 v. 233, § 13; (S. & S. 526).]

Settlement of persons.

Sec. 1494. When a person in any township or corporation is in a condition requiring public relief, or the services of a physician or surgeon, complaint thereof shall be forthwith made to the township trustees, or other proper officer, by some person having knowledge of the fact; if medical services are required, and no physician or surgeon is regularly employed by contract to furnish medical attendance to the poor of the township or corporation, then the physician called or attending, shall immediately notify the trustees, or other proper officer, in writing, that he is attending such person, and thereupon the township or corporation shall be liable for all relief and for services rendered, which may thereafter be afforded to such person, only in such amount as the trustees or proper officers of the corporation determine to be just and reasonable; but if such notice be not given within three days after such relief is afforded or services begin, then said township or corporation shall be liable for such relief or services only, as may be rendered after notice has been given, but the trustees or other proper officer may, at any time order the discontinuance of such services or relief, and they shall not be liable for any services or relief thereafter rendered.

How township trustees or corporation officers shall be notified, etc.

Sec. 1495. When complaint is made as aforesaid to the trustees of a township or to the proper officers of a corporation that any person therein requires public relief or support, one or more of the trustees, or proper officer of the corporation, or some other duly authorized person shall visit the person needing relief, forthwith, to ascertain the name, age, sex, color, nativity, length of residence in the county, previous habits and present condition of such person, and especially in what township and county in this state, if any, he or she is legally settled, and the information so ascertained shall be transmitted to the township clerk, or proper officer of the corporation, recorded on the township or corporation records, and no relief or support shall be given to any person without such visitation and investigation, except that in cities, where there is maintained a public organization of associated charities, charity organization society, or other benevolent association, which makes it a business to investigate and keep a record of the facts relating to such persons as receive or apply for relief, the infirmary directors, trustees, or other officers of such city shall accept such investigation and information and may grant relief upon the approval and recommendation of the society or organization, aforesaid. [73 v. 233, § 15; (S. & S. 526).]

Trustees or proper officers of a corporation shall visit persons requiring relief.

Sec. 1496. When it has been ascertained by the trustees of a township or the proper officer of a corporation that such person therein requiring relief has a legal settle-

Removal of foreign persons to their own county: costs: notice to foreign di-

rectors; failure
to give notice.

ment in some other county of this state, they shall immediately notify the infirmity directors of the county in which such person is found, and said infirmity directors shall immediately, should the person's health permit, remove said person to the infirmity of the county where his or her legal settlement is, and if said person refuses to be removed it shall be the duty of the probate judge of the county in which such person is found to issue a warrant for such removal on complaint being made by one of the infirmity directors and the county wherein the legal settlement of said person is, shall pay all expenses of such removal and the necessary charges for relief and expenses of burial in case of death, provided, a written notice is given the infirmity directors of said county within twenty days after such legal settlement has been ascertained, and upon refusal or failure to pay therefor may be compelled so to do by a civil action by the board of infirmity directors of the county from whence the removal is made against the board of infirmity directors of the county to which such person is removed, in the court of common pleas of the county to which such person is removed; but if such notice shall not be given within twenty days after the directors first named are advised of such person's residence, and within ninety days after the relief for which charges are made has been afforded such person, then, in that case, the directors of the infirmity where such person belongs shall not be liable for any charges or expenditures whatever accruing prior to said notice. [89 v. 133; 83 v. 202, 203; Revised Statutes, 1880; 77 v. 265; 73 v. 233, § 16; (S. & C. 925; S. & S. 526).]

Accounts to be
kept by trustees
and corporation
officers.

Sec. 1497. The trustees, or proper officers of a corporation, shall keep accurate accounts of all expenses incurred for the support of the poor within their respective townships or corporations, and make entries in a book of the names of the persons, and the time when each became chargeable, together with an account of their own services rendered, which account shall be adjusted and settled semi-annually, on the first Monday of March and first Monday of September; and the township clerk or proper officer of a corporation shall record the same in the township or corporation records, and issue an order on the township treasurer or treasurer of the corporation for the amount thus paid and services rendered, as soon as the same has been paid or the services have been rendered; and the trustees in every township, or proper officer of a corporation shall issue orders on the township treasurer or treasurer of the corporation for such demands as accrue under the provisions of this chapter, as soon as such demands accrue; and immediately after the September settlement the township clerk or proper officer of a corporation shall make and file with the county auditor a report of the administration of the poor laws in the township or corporation for the year preceding that settlement, showing all

expenditures in that behalf as follows: First, the aggregate of physicians' fees paid; second, the aggregate paid for supplies, food, clothing, etc.; and third, aggregate of per diem and expenses of trustees or proper officers of a corporation in connection with the poor laws. [73 v. 233, § 18; (S. & C. 926; S. & S. 527).]

Sec. 1408. No account shall ever be audited or allowed by the trustees of a township or the proper officers of a corporation for the support of the poor, unless the same be accompanied by the proper voucher, verified by the claimant or his agent, and duly certified by said trustees or proper officers of a corporation. [73 v. 233, § 19; (S. & S., 527).]

Accounts to be certified, etc.

Sec. 1499—1. The trustees of any township, or the proper officers of a corporation in any county in the state of Ohio, may contract with one or more competent physicians to furnish medical relief and medicines necessary for the persons of their respective townships, or corporations who come under their charge under the poor laws of Ohio, but no contract shall extend beyond one year; and said physicians shall report quarterly to the clerk of the township or other proper officer, on blanks to be furnished him for that purpose, the names of all persons to whom they have furnished medical relief or medicines, the number of visits made in attending such person, the character of the disease, and such other information as may be required by said trustees or officers. [86 v. 143.]

Medical relief of poor in townships or corporations.

Sec. 1499—2. These contracts shall be given to the lowest competent bidder, the trustees or proper officers of the corporation reserving the right to reject any and all bids, and to annul such contract at any time for proper cause. [86 v. 143.]

To whom contracts shall be awarded.

Sec. 1499—3. That when the trustees of any such township or the proper officers of a corporation shall enter into such contract, as herein provided, said township or corporation shall not be liable for any relief thereafter furnished any person under the provisions of section 1494, Revised Statutes, so long as such contract remains in force, provided, however, that the trustees of any township or the proper officer of a corporation and the infirmity directors of the county in which said township or corporation is located may, by mutual agreement, contract for medical relief and medicines necessary for the relief of persons coming under their respective charge. [86 v. 143.]

Liabilities of trustees after contract has been entered into.

Sec. 1499—4. Whenever public relief is applied for or afforded to the poor by the infirmity directors of any county or the trustees of any township or officers of a corporation, and the relief applied for or received is not in any county or city infirmity, and the applicant for or recipient of such relief is able to do manual labor, the infirmity directors or township trustees or proper officers of a corporation are authorized and shall require any male

Performance of labor by recipient of public relief.

applicant or recipient to perform labor to the value of the relief afforded, at any time, upon any free public park, public highway, or other public property or public contract in such county or township, or corporation, under the direction of the proper authorities having charge or control of the same. If relief has been afforded and said recipient refuses to perform the labor provided, the fact shall be made of record and all relief or support thereafter refused him and he may be proceeded against as a vagrant. [97 v. 25.]

Trustees and commissioners in county having no infirmary to control certain property.

Sec. 1500. In all counties having no infirmary, the trustees of any township or the commissioners of the county or proper officer of any corporation therein shall have and may exercise the same rights, powers and duties with reference to the property of persons coming under their charge under the poor laws of the state, as are conferred upon and exercised by infirmary directors in counties having infirmaries. [63 & 64 §; S. & S. 538.]

Burial of unclaimed dead; refunder of expenses.

Sec. 1500a. When information is given to the trustee of any township or proper officer of a corporation, that the dead body of any person, having a legal settlement in the county, or whose legal settlement is not in the state or whose settlement is unknown and not the inmate of a penal reformatory, benevolent or charitable institution, has been found in such township or corporation and such body is not claimed by any person for private interment at his own expense or delivered for the purpose of medical or surgical study or dissection in accordance with law; they shall cause the said body to be buried at the expense of the township or corporation, but if the township trustees or proper officer of the corporation notify the infirmary directors that the infirmary directors shall cause the body to be buried at the expense of the county. [87 v. 283; 84 v. 29.]

Insane or epileptic excluded from infirmaries.

SECTION 5. That on and after June 1, 1900, it shall be unlawful to receive, or keep, at any county infirmary in the state of Ohio, any insane or epileptic persons, and all sections authorizing the receiving or committing of such insane and epileptic persons to the infirmaries of the state are hereby repealed.

Asylums for the insane:

SECTION 6. That section 709 of the Revised Statutes as amended March 27, 1888 (O. L., vol. 85, page 122), be amended so as to read as follows:

Patients having homicidal or suicidal propensities; bond; incurable and harmless patients; patients with certain propensities not to be kept in jail, etc.; discharge of patients unattended; expenses; discharged patients requiring an es-

Sec. 709. On consent and advice of the trustees, the superintendent may discharge any patient from any asylum for the insane, when he deems such discharge proper and necessary; provided, no patient with known homicidal or suicidal propensities, shall be discharged without a bond in the sum of one thousand dollars, with two or more sureties, to the approval of the probate judge of the county of which the patient is an inhabitant, payable to any person who shall be injured in person or property by an insane act of such discharged person while at large on such dis-

charge, and conditioned to save harmless by paying all damage to such injured person as shall arise in consequence of such insane act, committed by such discharged person. When, in the opinion of the superintendent, the condition of any patient at the time of discharge, is such as to justify such action, he may permit such patient to go to his home, or leave the institution unattended; and if such patient is not financially able to bear his own expenses, the superintendent of such institution may furnish the patient sufficient sum to pay his traveling expenses, and charge the same to the current expense fund of the institution; such sum in no case shall exceed twenty dollars. In all cases requiring an escort, should neither the patient nor the friends of the patient be financially able to bear the expense of his removal, the superintendent shall give notice to the probate judge of the county of which the patient is an inhabitant, and said probate judge shall forthwith issue his warrant to some suitable person, giving the friends of patients the preference, which warrant shall read as follows:

cort; warrant
for removal;
fees and ex-
penses; removal
of certain pa-
tients on trial
visits; expenses.

The state of Ohio, _____ county, ss.

Office of the probate judge of said county.

The proper authority having directed that _____, a patient from this county in the asylum for the insane at _____, be removed therefrom, you are commanded forthwith to remove said patient, and return him to his home in said state.

Witness my hand and official seal, this _____ day
of _____, 18—.

A. B., probate judge.

Upon receipt of said warrant, the person to whom it is directed, shall forthwith execute it, and return it to the probate judge, by whom it was issued, and said probate judge shall ascertain and fix the allowance to the person executing such warrant, for expenses and fees, and certify the same to the county auditor, who shall draw his warrant therefor on the county treasurer. In the case of any patient having no known homicidal or suicidal propensities, the superintendent is authorized, whenever he deems the best interests of such patient to require it, to permit said patient to leave the institution on a trial visit, not in any case to exceed ninety days, the patient being returnable at any time within that date, should [such] return be necessary, without further legal proceedings. The removal of such patient on such trial visit shall be made in the same manner as provided in this section for the removal on discharge, and when return from such visit is necessary, and neither the patient nor the friends of the patient are financially able to bear the expense, said return shall be made on the warrant of the probate judge, in the same manner as provided herein in the case of discharged patients in like circumstances. [1888, March 27: 85 v. 122; Rev. Stat., 1880; 75 v. 64, § 26; (S. & C. 845).]

Repeals; when
to take effect.

SECTION 7. That sections 707, 708, 711, 721, 721—1, 721—2, 721—3, 721—4, 721—5, 721—6 (chapter 9, title 5, part 1, of the Revised Statutes of Ohio) be and the same are hereby repealed to take effect June 1, 1900.

Repeals.

SECTION 8. The following sections of the Revised Statutes, acts and parts of acts of the general assembly, are hereby repealed:

1. Revised Statutes section 957, 957b, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 968a, 969, 970, 971, 972, 973, 974, 974—1, 974—2, 974—3, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, as contained in chapter 2, title 8, part 1, of the Revised Statutes of Ohio.

2. Revised Statutes sections 2826 and 2174—1, being section 1 of an act entitled "An act for the relief of the infirm in cities of the third grade, first class, passed April 27, 1896 (vol. 92, page 741).

3. Revised Statutes sections 931a, 931b, 945 and 931b, being section 2 of an act entitled "An act to amend section 2 of an act passed April 9, 1883," etc., as passed May 4, 1885 (vol. 82, page 249).

4. Revised Statutes sections 3135, 1491, 1493, 1494, 1495, 1496, 1497, 1498 and section 1499—1, 1499—2, 1499—3 being sections 1, 2 and 3 of an act entitled "An act for the relief of the poor in counties having no infirmary," passed March 27, 1889 (vol. 86, page 143); section 1494—4 being section 1 of an act entitled "An act authorizing infirmary directors and township trustees to require recipients of public relief not in county, or city infirmaries who are able to do manual labor, to perform labor in public parks, highways, etc., to the value of the relief afforded," passed February 14, 1894 (vol. 91, page 25). Revised Statutes section 1500 and section 1500a as amended April 29, 1890 (vol. 87, page 283).

5. Revised Statutes section 709.

SECTION 9. This act shall be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives

ASAHEL W. JONES,
President of the Senate

Passed April 26, 1898.

204G

[House Bill No. 159.]

AN ACT

To authorize the use and purchase of voting machine for any or all elections to be held within any city, town or village of the state, and for the appointment of commissioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any body or board of public officials, or any officer or officers, charged by law with the duty of providing material and supplies for holding an election or elections in any city, village, town, precinct, or other civil division of the state, may at any general election submit a proposition to the qualified voters thereof to adopt a voting machine, or voting machines, for use in any or all of the election districts within the city, village, town, or precinct, or other civil division of the state for which such board or body of public officials, or officer or officers, are charged by law with the duty of providing with material or supplies for holding an election, and after a majority of the votes cast at such election in any such city, village, town, precinct or other civil division of the state shall favor the adoption of such voting machine or machines, thereupon it shall be lawful for such voting machine or machines to be used at any or all elections within the election district for which the same shall have been adopted, for the purpose of voting for all officers or delegates to be voted for by the electors at such election or elections, and for the purpose of voting upon all constitutional amendments and any and all propositions and questions upon which the electors at such election or elections may be lawfully entitled to vote, and for the registering and counting the votes or ballots cast at such election or elections. And such board or body of public officials, or officer or officers charged by law with the duty aforesaid, are hereby authorized and empowered to purchase such voting machine or machines for use at any or all of the election districts for which he, it or they are by law charged with the duty of providing with material and supplies for holding an election, at the expense of the city, village, town, county, precinct, or other civil division of the state now chargeable by law with the expenses of the material and supplies for holding general elections in such election district or districts. Provided, however, that no such voting machine shall be used, purchased or adopted until after the commissioners herein provided for, or a majority thereof, shall have made and filed their report certifying that they have examined such machine; that it affords each elector an opportunity to vote in absolute secrecy; that it enables each elector to vote a straight party ticket; that it enables each elector to vote a ticket selected in part from the nominees of one party, and in part from the nominees of any or all other parties, and in part from an independent nomination, and in part of persons not in nomination by any party or upon any independ-

Submission of question as to use of voting machines in elections.

Purchase of machines.

Machine to be approved by commission; requirements of machine.

ent ticket; that it enables each elector to vote a written or printed ballot of his own selection, for any person for any office for which he may desire; that it enables each elector, if he so desires, to cast one written or printed ballot of his own selection for all the officers for whom he is entitled to vote at such election; that it affords each elector an opportunity of voting for all the candidates for whom he is entitled to vote, and absolutely prevents his voting for any candidate more than once; and that it also prevents the elector voting for more than one person for the same office, unless he be lawfully entitled to vote for more than one person for that office, and, in that event, it admits of his voting for as many persons for that office as he is by law entitled to vote for, and no more, at the same time preventing his voting for the same person twice; that the machine is so constructed that an elector may be permitted to vote for a candidate for whom he may be lawfully entitled to vote, and excluded from voting upon any questions upon which he may not be lawfully entitled to vote; that such machine admits of the enjoyment by each elector of his full right and privilege in the exercise of the elective franchise under the constitution and laws of this state; that the machine is supplied with a booth so arranged that the operation of the machine by the elector, when voting cannot be seen, observed or known by any other person, unless such other person be inside the booth at the same time; that such machine, properly operated, will correctly register every vote cast; that the machine is constructed of such material [that,] when properly cared for, there is little or no danger of its utility being impaired by any of the parts becoming rusted or corroded; that the machine may be safely and conveniently used by eight hundred electors in any one election district during the time allowed for holding a general election therein.

Commission to examine voting machines; duties and powers.

SECTION 2. The present governor, secretary of state and attorney general and their successors in office, are hereby created and made commissioners to examine voting machines, and to make a report and certificate thereon, and, for such purpose, they are hereby authorized to employ such assistance as they, or a majority of them, may deem advisable, and the expenses thereof shall be payable out of any funds of the state not otherwise appropriated. The examination, report, or certificate of such commissioners, or a majority thereof, above provided for, shall not be required of each individual machine, but of every particular kind of machine before its adoption, use or purchase as herein provided. The certificate, when made by said commissioners, or a majority thereof, shall be filed in the office of the secretary of state.

Certificate to be filed with secretary of state.

Machines must meet statutory requirements.

SECTION 3. The voting machine or machines, to be used, adopted or purchased as herein provided, must be so constructed as to meet all requirements specified in this act.

SECTION 4. Party nominations shall be arranged on each voting machine either in columns or horizontal rows. Ballot captions of cardboard or paper, which shall have printed thereon, in plain, clear type, the party or other lawful designation of the nominee, amendment or other proposition submitted to vote, shall be so placed on said machines as to indicate to the voter what lever, push, knob, key or other device is to be used or operated in order to vote in accordance with his choice. Such machines shall also be provided with a printed ballot or cardboard, upon which shall be printed in plain, clear type the name of the office and the name of the candidate or nominee therefor, or a concise statement of the amendment, or question, or proposition, to be voted upon. And these shall be placed upon such machines in such manner as to enable the voter to readily vote in accordance with his choice. The irregular device shall be provided with similar cardboard, or printed paper, except that the name of the candidate shall not be printed thereon; and the same shall be so placed on said machine as to show to the voter where to deposit the ballot for any person for a particular office. If two or more persons are to be elected to the same office, for different terms, the term for which each is to be elected shall be designated on such machines as above provided.

How nominations shall appear on machine; general requirements of machine to enable elector to vote for his choice.

SECTION 5. Every part of the polling place shall be in plain view of the election officers, including the watchers, if any, except that the operation of the machine by the elector shall be obscured as herein provided. It shall be placed at least three feet from every wall or partition of the room, and at least three feet from the outer guard-rail, and at least four feet from the judge's table. Guard-rails shall be constructed at least three feet from the machine, with openings to admit electors to and from the machine, and no person shall be permitted within such guard-rails except to enter the booth for the purpose of voting. But one person shall be permitted within such booth at a time, except that a disabled elector may be furnished such assistance and in such manner as is now or may hereafter be authorized by law, and not otherwise.

Election officers to have view of entire polling place except operation of machine; location of machine.

Guard-rails; how constructed; who to be admitted within.

SECTION 6. The party emblem, if any is in use in the state, shall be placed at the head of the party ticket in such manner as to be easily seen; and, in presidential elections, such machine may be provided in each column or horizontal line of party nominations with a separate push knob, lever, key or other device, for voting for all the presidential electors nominated by such party, and the numbers registered by the counters of that particular push knob, lever, key or other device shall be counted for each and every one of the candidates for presidential elector of such political party. And in each column or horizontal line may be one lever, push knob, key, or other device, with a label as above provided, with the name of the party and the words "straight ticket" printed thereon in plain, large type;

Party emblem; how placed.

Arrangement for voting for presidential electors.

"Straight ticket."

and the operation of such lever, push knob, key, or other device, shall vote the entire ticket, including presidential electors.

Delivery of ballots, ballot captions, cards, counter labels and instruction cards for use in connection with machine.

SECTION 7. The officer or officers now charged by law with the duty of furnishing such election districts with ballots shall furnish each polling place using such machine with all ballots, ballot captions, cards, counter labels and instruction cards herein required; and the same shall, on Saturday next preceding the election at which they are to be used, be delivered to the clerk of the city, village, town, or precinct where the same are to be used, or to such other officer in such city, town or village to whom ballots are now required by law to be delivered.

Precaution to be taken before voting begins.

SECTION 8. Before any voting is done on any such machine or machines, all the counters shall be placed so as to register "O," and shall not be again changed except as it is done by the electors in voting.

Length of time voter permitted to remain within booth.

SECTION 9. No voter shall remain within the voting machine booth longer than one minute, and if he shall refuse to leave the said machine after the lapse of one minute, he shall be removed by the judges.

Closing of polls; machine to be locked; counting compartment to be opened in presence of authorized persons.

SECTION 10. As soon as the polls are closed the ballot machine shall be locked against voting, and the counting compartment opened in the presence of the watchers and all other persons who may be lawfully within the room or voting place, giving full view to the dial numbers announcing the votes cast for each candidate, and for or against the various constitutional amendments, questions, or other propositions.

Counting and announcement of votes.

SECTION 11. The judges shall then add together the votes cast for each candidate, and ascertain the number of votes which each has received, and publicly announce the total vote for each candidate thus ascertained. Before leaving the room or voting place, and before closing and locking the counting compartment, the judges shall make and sign written statements or returns of such election, as now required by law, except that they shall not be required to attach any ballots, official or defective, thereto. The written statements or returns so made, after having been signed by the judges, shall be distinctly and clearly read in the hearing of all persons present, and ample opportunity given to compare the results so certified with the counter dials of such machine. After such comparison and correction, if any is made, the judges shall then close the counting compartment and lock the same.

Judges required to sign returns before leaving room or locking counting compartment.

Returns to be read; comparison of results.

SECTION 12. No ballot clerk shall be elected or appointed in any town or city that shall have adopted the use of the voting machine.

Services of ballot clerk dispensed with.

Tampering with, impairing or attempting to impair machine; penalty.

SECTION 13. Any person who shall tamper or attempt to tamper with any such machine or machines, or in any manner intentionally impair or attempt to impair its use, and any person who shall be guilty of or attempt any dis-

honest practice upon any such machine, or with or by its use, shall be deemed guilty of a misdemeanor, and punishable by a fine not exceeding one thousand dollars, or by imprisonment not exceeding five years, or by both such fine and imprisonment.

SECTION 14. All the provisions of the election law not inconsistent with this act shall apply to all elections in the precincts where such voting machines are used. And any provisions of law which conflict with the use of such machine or machines as herein set forth shall not apply to the precinct or precincts in which an election is conducted by use of said ballot machine or voting machines.

Application of
existing laws,
conflicting laws
not to apply.

SECTION 15. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 25, 1898.

205G

[House Bill No. 171.]

AN ACT

To empower township boards of education to establish township or joint township high schools, and to discontinue subdistrict schools when too small to justify their continuance.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever ten qualified electors of any township, or twenty qualified electors of any two adjoining townships shall file a petition or petitions with the township clerk, or clerks of two adjoining townships, praying for the establishing of a township high school district, or a joint township high school district, it shall then be the duty of the township board of education, or boards of education, to call a meeting, or meetings, within thirty days thereafter, of the qualified electors of said township, or townships embraced in the petition, or petitions, at their usual place or places of voting, giving ten days' notice, or notices of the time and place, or places, of said election, or elections, to be posted in at least five conspicuous places in the township, or both townships, requiring said electors to vote for or against the proposed establishing a township or joint township high school district, and the building of a township or joint township high school building, and shall also at the same election submit to the electors of the township, or joint township high school district proposed, the question of levying taxes for buying site, or sites, and building a township or joint township high school house, or either of them, and the further questions whether the levy shall be made from year to year thereafter, and what amount shall be levied each year until the actual cost of such site,

Township or
joint township
high school
districts;
Petition for es-
tablishment;
duty of town-
ship board of ed-
ucation; elec-
tion for submis-
sion of question
of establishing
district and levy-
ing tax for site
and erection of
building; form
of ballot.

or sites, the erection of such high school house, or houses, is raised, and their opinions, the said electors, shall be expressed on their ballots which must be provided by the board, or boards of education, to wit: For township, or joint township high school district: "Yes." For levying taxes for site, or sites, and building township, or joint township high school house: "Yes." For township, or joint township high school district: "No." For levying tax for site, or sites, and building township, or joint township high school house: "No." Which ballots shall be counted and returned by the judges and clerks of elections as in such cases made and provided.

Counting of ballots and returns of election.

Levy to be certified to auditor who shall place same on duplicate for collection.

Townships divided by county line; how levy certified and collected.

Purchase or renting of suitable building; when question of levy not required to be submitted.

Employment of teacher.

Assistant teachers.

SECTION 2. Should there be a majority of the votes cast in favor of the establishing of a township or joint township high school district, and in favor of levying taxes for buying site, or sites, and building township, or joint township high school building, or buildings, or either of them, of continuing the levy from year to year thereafter, and for the amount to be levied each year, the board shall certify the levy annually to the county auditor, who shall place the same upon the tax duplicate in the same manner that other taxes certified by such board are required to be placed thereon; and when the townships are divided by a county line, the levy shall be certified, collected and paid in the manner provided in sections thirty-nine hundred and sixty-one, and thirty-nine hundred and sixty-two, as supplemented by this act, in the case of levies for joint subdistricts, or joint township high school districts.

SECTION 3. Should there be a subdistrict school house suitably located in the township, or joint township high school district, petitioned for, or should there be any other building favorably located that the board of education could buy for five hundred dollars, or less, or rent the same, then the board of education need not submit to the voters the proposition of a tax levy, but submit only the proposition of establishing the proposed township, or joint township high school district, and if a majority of the votes cast are for such measure, then the board of education shall go on and establish the township, or joint township high school district, and use such building, or buildings, as are available for the township, or joint township high school district then established.

SECTION 4. Whenever the board of education has provided a building for a township, or joint township high school district, it shall then be the duty of the township board of education to hire a teacher who may be recognized as a township, or joint township high school superintendent, who shall be required to teach all the branches now required to be taught in the subdistrict schools, as well as natural philosophy, algebra, bookkeeping and physical geography. And the board of education shall hire an assistant or assistants as the township or joint township school may require.

SECTION 5. The township boards of education are hereby empowered to discontinue any subdistrict school whenever the enumeration falls below fifteen (15) pupils and assign the pupils to the surrounding subdistrict schools until such a time as the discontinued subdistrict school has a bona fide enumeration of twenty scholars not eligible to attend the township, or joint township high school, if then established in the township.

When subdistrict school may be discontinued.

SECTION 6. Joint township high school districts, established under the provisions of this act, shall be governed and controlled by the laws now in force governing and controlling joint subdistricts with the laws or different sections amended or supplemented so as to read after the words, a joint subdistrict, or joint township high school district.

Laws governing such school districts.

SECTION 7. The following sections of Ohio school laws are hereby amended or supplemented so as to read as follows, to wit:

Joint subdistricts:

Sec. 3928. When the better accommodation of scholars makes it desirable to form a joint subdistrict, or joint township high school district composed of parts, or all, of two or more townships, the board of education of the townships interested, may, by mutual agreement, at a joint meeting held for the purpose, establish the same, and fix the boundaries thereof; if there is no suitable school house within such boundaries, or if there is one, but it is not suitably located, the board shall designate a site whereon to erect such building; but if there is a suitable school house within such boundaries, properly located, the school shall be held therein: a chairman and secretary shall be chosen at such meeting, and the secretary shall make a memorandum of the proceedings had thereat; a copy of such memorandum, signed by the chairman and secretary, shall be transmitted to the clerk of each of the boards, who shall record the same in his record of proceedings of the board; and the secretary shall transmit a like copy of the proceedings to the auditor of each county having territory embraced in the joint subdistrict, or township, or joint township high school district.

Township boards may establish by mutual agreement.

School-building.

Organization of meeting.

Copies of memorandum of proceedings to be transmitted by secretary.

Sec. 3929. The school in a joint subdistrict, or joint township high school district, shall be under the control of the board of education in the township in which the school house is situate, of which board the director of the joint subdistrict, or joint township high school district, shall be a member, or members; but such school shall be supported from the school funds of the townships having territory in the joint subdistrict, or joint township high school district, in proportion to the enumeration of youth, as provided in sections thirty-nine hundred and sixty-one and thirty-nine hundred and sixty-two and thirty-nine hundred and sixty-three, as amended by this act.

Control of school in joint subdistricts or joint township high school district.

Support of same.

Repeals, etc.

SECTION 8. That sections 3928 and 3929 of the Revised Statutes of Ohio are hereby repealed, and this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.
206G

Passed April 25, 1898.

[Senate Bill No. 183.]

AN ACT

To amend section 5391 of the Revised Statutes of Ohio.

Execution
against prop-
erty:

Lien of judg-
ment restricted
to two-thirds of
appraised value
of lands levied
on.

Lands not to be
sold for less
than two-thirds
of appraisment;
exception as to
enforcement of
junior lien;
court may deter-
mine minimum
amount for
which real estate
may be sold.

Purchaser mak-
ing insufficient
bid to pay addi-
tional sum to
satisfy costs
and allowances.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 5391 of the Revised Statutes be and is hereby amended so as to read as follows:

Sec. 5391. If upon such return, it appears by the inquisition that two-thirds of the appraised value of the lands and tenements so levied upon is sufficient to satisfy the execution, with costs, the judgment on which the execution issued shall not operate as a lien on the residue of the debtor's estate to the prejudice of any other judgment creditor; but no tract of land shall be sold for less than two-thirds of the value returned in the inquest; except that in all cases where a junior mortgage or other junior lien is sought to be enforced against real estate by an order, judgment or decree of court, subject to a prior lien or liens on such real estate, and such prior lien or liens, and the claims or obligations secured thereby, are unaffected by such order, judgment or decree, the court making such order, judgment or decree, shall have power to determine the minimum amount for which such real estate may be sold, the said minimum amount, however, to be not less than two-thirds of the difference between the value of the said real estate as appraised under section 5389 hereof, and the amount remaining unpaid on the claims or obligations secured by such prior lien or liens; and if the sum bid by the purchaser for the real estate so sold under the provisions of this section relating to the enforcement of junior liens be insufficient to pay such costs and allowances as the court may have determined prior to said sale should be paid out of the proceeds of such sale pursuant to the terms of such mortgage or lien so sought to be enforced, then said purchaser shall pay in addition to the amount of his bid a sum which with said amount so bid will be sufficient to pay such costs and allowances, and the court shall have power to fix such amount remaining unpaid on said claims or obligations for the purpose of such sale, and to that end may require in its discretion the parties to said suit to furnish to the court evidence of such

unpaid amount which shall be satisfactory to the court. **Nothing** in this section contained shall affect the sale of lands by the state; but all lands, the property of individuals indebted to the state for any debt or taxes, or in any other manner, except for loans heretofore authorized by the legislature, shall be sold without valuation, for the discharge of such debt or taxes, agreeably to the laws of such case made and provided.

Sale of lands by state; to be sold without valuation.

SECTION 2. That said original section 5391 be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 25, 1898.

207G

[House Bill No. 197.]

AN ACT

Providing for filing, docketing and indexing in the office of the clerk of the courts of common pleas in Ohio of judgments rendered by district and circuit courts of the United States in Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any person interested may file or cause to be filed in the office of the clerk of the court of common pleas in this state, a copy of any judgment rendered by any district or circuit court of the United States, in any district in Ohio, certified by the clerk of and under the seal of such court of the United States, and when so filed, such judgment shall be entered upon the execution docket of such court, and indexed in the same manner as is provided for filing, entering and indexing judgments of justices of the peace.

Filing, docketing and indexing of judgments of federal district or circuit courts in office of clerk of common pleas court.

SECTION 2. The same fees shall be taxed, charged and received, and in the same manner collected by said clerk, for said service, as is provided in case of filing transcripts of judgments rendered by the justice of the peace.

Fees of clerk.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 25, 1898.

208G

[House Bill No. 199.]

AN ACT

To amend and supplement "An act to require railroad corporations to equip and furnish all cars used in their service with air-brakes and automatic couplers, and their engines with power-brakes," passed April 14, 1893.

Equipment and operation of railroad cars with automatic couplers and airbrakes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That every railroad corporation operating a railroad or part of a railroad, in this state, shall, on or before the first day of January, A. D. 1900, equip and furnish all cars owned and leased used in its service in this state with automatic couplers, coupling automatically, and which can be uncoupled without the necessity of men going between the ends of the cars; and shall equip, furnish and operate all cars in its passenger service, and not less than thirty per cent. of the cars in its freight service with air brakes; and no freight train shall, after such date, be run by any such railroad corporation over any part of its road lying within this state unless at least twenty-five per cent. of the cars composing such freight train are so equipped, furnished and operated with perfectly acting air-brakes and so as to enable the engineer to control the speed of the train without the use of hand-brakes; provided that on or before January 1, 1899, twenty-five (25) per cent. of all the automatic couplers and air-brakes hereinbefore provided to be put upon cars shall be so furnished on or before January 1, 1899.

Semi-annual reports to be made by railroad companies as to number of cars equipped and unequipped with automatic couplers.

SECTION 2. And it shall be the duty of any railroad corporation operating a railroad or part of a railroad within this state, to report to the commissioner of railroads every six months after the passage of this act, and until the first day of January, A. D. 1900, the number and class of cars in their service equipped with such automatic couplers and air-brakes, and the number of cars not so equipped; to report upon blanks furnished by such commissioner.

Repeals.

SECTION 3. Said original section, as passed April 14, 1893, is hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,

Speaker of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed April 25, 1898.

209G

[Senate Bill No. 211.]

AN ACT

To amend section 6145 of the Revised Statutes of Ohio, as amended April 14, 1896 (O. L., page 155).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6145 of the Revised Statutes of Ohio, as amended April 14, 1896, be and the same is hereby amended so as to read as follows:

Executors and administrators:

Sec. 6145. The probate court or court of common pleas, in which such action may be pending, shall have full power to determine the equities between the parties and the priorities of lien of the several lien-holders on said real estate, and to order a distribution of the money arising from the sale of such real estate, according to the respective equities and priorities of lien as found by the court. When said action is determined by the probate court, the judge thereof shall make the necessary order for an entry of release and satisfaction of all mortgages and other liens upon said real estate, and shall enter such release and satisfaction, together with a memorandum of the title of the case, the character of the proceedings and the volume and page of record, where recorded, upon the record of such mortgage, judgment or other lien in the office where the same appear as matter of record and he shall tax in his cost bill the fee provided by law for entering such release and satisfaction, and also a fee of twenty-five cents to himself for such entry. This section shall apply to proceedings by guardians, assignees, and trustees to sell lands to pay debts.

Determination of equities and priorities; distribution.

Order for release of lien.

Fees.

Applicable to guardians, assignees and other trustees.

SECTION 2. That section 6145, as amended April 14, 1896, is hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 25, 1898.

210G

[Senate Bill No. 220.]

AN ACT

To provide for the proper arrangement and preservation of certain pleadings and papers on file in certain probate courts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the probate judge of each county may cause to be assorted, arranged and preserved together all the pleadings, accounts, vouchers and other papers on

Assortment, arrangement and preservation of pleadings, accounts, vouchers

and other papers
filed in probate
courts prior to
January, 1888.

Classification of
marriage certifi-
cates, reports of
births, deaths,
etc.

Compensation of
judge.

Care and preser-
vation of papers
filed since Janu-
ary, 1888; judge
not entitled to
additional com-
pensation.

file in the probate court of such county, in each estate, trust, assignment, guardianship or other proceeding, ex-parte or adversary, begun or commenced prior to the first day of January, 1888, keeping the said pleadings, accounts, vouchers and other papers in every other case or proceeding. And such papers so assorted and arranged shall be properly jacketed and otherwise tied, fastened or held together, and be numbered, lettered or otherwise marked in such manner that the same may be readily found and examined by reference to proper memoranda upon the docket, record or index entries of such cases, causes or proceedings, respectively, which memoranda shall be made, or caused to be made, by said probate judge. Provided, however, that such pleadings, accounts, vouchers and other papers are not now so assorted, arranged and preserved; and provided, further, that marriage certificates, birth and death reports and similar papers shall be arranged and preserved together in each class, in the order of their dates, or in the order in which the same are filed.

SECTION 2. Such probate judge shall be entitled to receive compensation for assorting, arranging, preserving and marking said pleadings, accounts, vouchers and other papers, as required in the preceding section, in such amount as may be allowed by the commissioners of such county, not exceeding, however, the sum of twenty cents for each case or cause so assorted, arranged, marked, and docketed, and not exceeding the sum of one cent for each of said marriage certificates, birth and death reports, and such similar papers so assorted and arranged.

SECTION 3. All pleadings, accounts, vouchers and other papers filed in such court in causes, or proceedings begun or commenced after the first day of January, 1888, and all pleadings, accounts, vouchers and other papers which shall be hereafter filed in such probate court in each estate, trust, assignment, guardianship, or other proceeding, ex-parte or adversary, begun or commenced after said first day of January, 1888, shall be kept together as provided in section 1 of this act, and, upon the final termination or settlement of each case, cause or proceeding, shall be so preserved for future reference and examination, without further compensation to such probate judge therefor.

SECTION 4. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,

Speaker of the House of Representatives.

ASAHIEL W. JONES,

President of the Senate.

Passed April 26, 1898.

211G

[Senate Bill No. 221.]

AN ACT

To amend sections 1648, 1652 and 1700 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 1648 (as amended March 10, 1893, 90 Ohio Laws, page 78), 1652 (as amended April 22, 1896, 92 Ohio Laws, page 281), and 1700 (as amended March 10, 1893, 90 Ohio Laws, page 78) of the Revised Statutes of Ohio, be and the same are hereby amended to read as follows:

Trustees of hamlets:

Sec. 1648. The officers of the hamlet shall consist of three trustees, who shall be electors residing within the corporate limits and who shall hold their offices for three years, except as herein provided, and until their successors are elected and qualified; a clerk and treasurer, each of whom shall be electors in said hamlet and shall hold their offices for two years and until their successors are elected and qualified; a marshal and a supervisor, both of whom shall be electors in said hamlet and shall hold their offices for one year, except as hereinafter provided, and until their successors are elected and qualified.

Officers of hamlets: election and terms.

Sec. 1652. No ordinance providing for the opening or widening of any road, street or alley, or the appropriation of land therefor, and no ordinance providing for any improvement, the cost of which, or any part thereof, shall be specially assessed upon any lands in the hamlet, shall be passed, except upon the petition of two-thirds of the owners of lots or lands through or along which the road, street, alley, sewer or other improvement, or part thereof, to be opened, widened, improved or lighted, shall pass; provided, however, that in all counties containing cities of the first class all the provisions of chapter four, division seven, of this title, affecting or relating to villages generally, shall apply to and affect hamlets, and wherever the word "council" occurs in said chapter, the same shall be held to apply to and include the trustees of hamlets.

Limitation on powers of hamlets.

Hamlets in counties containing cities of the first class.

Application of use of word "council."

Sec. 1700. The trustees of hamlets shall have power to appoint from the electors of said hamlet such other police officers as may be necessary; and they shall, by proper by-laws, resolutions or ordinances, prescribe the duties and compensation of the officers so appointed as well as said marshal, in addition to the duties now prescribed by law; and they may remove any such appointed officer and appoint another at their discretion, and may remove said marshal for good cause shown; and the president of the board of trustees shall be a conservator of the peace throughout the corporation; and shall perform the same duties and shall have the same jurisdiction and powers as are conferred upon the mayors of villages in all civil and criminal cases, and his proceedings may be reviewed in the

Appointment of police officers; duties and compensation to be prescribed by trustees.

Removal of appointive officers and marshal.
Powers and duties of president of board of trustees.

Compensation
of president.

same manner; and he shall receive no compensation for his services, except such as is allowed for similar services to justices of the peace.

Repeals, etc.

SECTION 2. That said sections 1648, 1652 and 1700, as amended March 10, 1893, April 22, 1896, and March 10, 1893, respectively, be and the same are hereby repealed, and this act shall take effect from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 26, 1898.

212G

[Senate Bill No. 232.]

AN ACT

To amend sections 6343 and 6344 of the Revised Statutes of Ohio.

Insolvent
debtors:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 6343 and 6344 of the Revised Statutes, be and the same are hereby amended so as to read as follows:

Sales, conveyances, transfers, mortgages, assignments, etc., made in contemplation of insolvency to inure to benefit of all the creditors.

Sec. 6343. Every sale, conveyance, transfer, mortgage or assignment, whether made in trust or otherwise, by a debtor or debtors, and every judgment suffered by him or them, and every act or device done or resorted to by him or them, in contemplation of insolvency, or with a design to prefer one or more creditors to the exclusion in whole or in part of others, and every sale, conveyance, transfer, mortgage or assignment made, or judgment suffered by a debtor or debtors, or procured by him or them to be made, in any manner, with intent to hinder, delay or defraud creditors, shall be declared void as to creditors of such debtor or debtors, at the suit of any creditor or creditors, as hereinafter provided, and shall operate as an assignment and transfer of all the property and effects of such debtor or debtors, and shall inure to the equal benefit of all creditors of such debtor or debtors in proportion to the amount of their respective demands, including those which are unmatured. And every such sale, conveyance, transfer, mortgage or assignment made, and every such judgment suffered, and every such act or device done or resorted to, by any debtor or debtors, in the event of a deed of assignment being filed within ninety (90) days after the giving or doing of such thing or act, shall be conclusively deemed and held to be fraudulent, and shall be held to be void as to the assignee of such debtor or debtors, whereupon proof shown, such debtor or debtors was or were actually insolvent at the time of the giving or doing of such act or thing, whether he or they had knowledge of

When sale, conveyance, transfer, mortgage or assignment held to be fraudulent.

such insolvency or not. Provided, that nothing in this section contained shall vitiate or affect any mortgage made in good faith to secure any debt or liability created simultaneously with such mortgage, if the same be filed for record in the county wherein the property is situated, or as otherwise provided by law, within three (3) days after its execution, and where upon foreclosure or taking possession of such property the mortgagee fully accounts for the proceeds of such property.

Mortgage made in good faith or liability created simultaneously not affected by act.

Sec. 6344. Any creditor or creditors, as to whom any of the acts or things prohibited in the preceding section are void, whether the claim of such creditor or creditors has matured or will thereafter mature, may commence an action in a court of competent jurisdiction to have such acts or things declared void, and such court shall appoint a trustee according to the provisions of this chapter, who upon being duly qualified shall proceed by due course of law to recover possession of all property so sold, conveyed, transferred, mortgaged or assigned, and to administer the same for the equal benefit of all creditors, as in other cases of assignments to trustees for the benefit of creditors. And any assignee as to whom any thing or act mentioned in the preceding section shall be void, shall likewise commence a suit in a court of competent jurisdiction to recover possession of all property so sold, conveyed, transferred, mortgaged or assigned, and shall administer the same for the equal benefit of all creditors as in other cases of assignments to trustees for the benefit of creditors; provided, that where such assignee fails or declines, upon notice by any creditor or creditors to institute such suit, such creditor or creditors may themselves institute such suit within five days after serving notice upon such assignee to commence such suit, and the procedure and administration shall be the same as is hereinbefore provided for suits commenced by any creditor or creditors.

Creditor may bring action to declare void the acts of insolvent debtor.

Appointment of trustee to recover property, etc.

Assignee to bring suit for recovery, etc.

Creditor may bring suit upon failure of assignee to do so.

SECTION 2. That said original sections 6343 and 6344 of the Revised Statutes be and the same are hereby repealed; and this act shall take effect from and after November 1, 1898.

Repeals; when act takes effect.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 26, 1898.

213G

[Senate Bill No. 242.]

AN ACT

Supplementary to section 3702 of the Revised Statutes of Ohio for the encouragement of agriculture.

Agricultural corporations:

Commissioners authorized to levy tax for encouragement of agricultural fairs.

Payment in anticipation of levy.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following section be enacted as supplementary to section 3702 of the Revised Statutes, with sectional numbering as herein provided:

Sec. 3702b. When a county has purchased, or leased for a term of not less than twenty years, real estate as a site whereon to hold fairs, or where the title to the grounds is vested in fee in the county, but the agricultural society has the control and management of the lands and buildings, or when such lands and buildings are held by lease from any such society by another society, association or incorporated company, the county commissioners are authorized for the purpose of encouraging agricultural fairs, to annually levy a tax of not exceeding one-tenth of one mill upon all the taxable property of the county, for the purpose of raising not to exceed one thousand dollars in any county, which sum shall be paid by the treasurer of the county to the treasurer of agricultural society except in case of such lease by such society when such sum shall be paid to the treasurer of such lessee society, association or incorporated company upon an order from the county auditor duly issued therefor; and the county commissioners prior to the levy of any such tax, may, if they think it for the interest of the county and society, pay out of the county treasury any sum not exceeding one thousand dollars, as herein provided, out of any money in the general fund not otherwise appropriated.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 25, 1898.

214G

[Senate Bill No. 244.]

AN ACT

To amend original section 269 of the Revised Statutes of Ohio (69 v. 32, art. 4).

Superintendent of insurance:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That original section 269 (69 v. 32, art. 4) be amended to read as follows:

Sec. 269. The superintendent may appoint a deputy superintendent having the same qualifications, as the superintendent, whose appointment may be evidenced by a certificate under the official seal of the superintendent. Before entering upon the discharge of his duties, the deputy superintendent shall take the oath of office, and give bond in the sum of ten thousand dollars to the superintendent, with two or more sureties to the acceptance of the superintendent, conditioned for the faithful performance of his official duties. In case of the absence or inability of the superintendent, the deputy superintendent shall have the powers and perform the duties of the superintendent. The deputy superintendent shall receive a salary of eighteen hundred dollars per annum, and in addition, as compensation for his services for making out and forwarding annually, semi-annually, and quarterly, the interest checks and coupons accruing upon the bonds and securities deposited by foreign insurance companies, may annually charge and collect from such foreign insurance companies fees not exceeding twenty-five dollars on each one hundred thousand dollars of bonds required to be deposited by such companies. Provided, however, that the amount of such fees so retained shall not exceed in any one year more than six hundred dollars, the balance, if any, to be turned into the state treasury. The superintendent may employ from time to time such other clerks as the prompt dispatch of business requires; and he may also, from time to time, employ skilled and competent persons to examine the business and affairs of insurance companies and report thereon.

Deputy superintendent; appointment; oath; bond.

Powers and duties.

Compensation.

Employment of clerks and experts.

SECTION 2. That original section 269 is hereby repealed, and this act shall take effect on and after its passage.

Repeals, etc.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed April 26, 1898.

215G

[House Bill No. 256.]

AN ACT

To amend sections 5997 and 6023 of the Revised Statutes of Ohio, relating to inventory and appraisement of decedents' estates.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 5997 and 6023 of the Revised Statutes of Ohio be so amended as to read as follows:

Executors and administrators:

Sec. 5997. If the executor is residuary legatee, he may instead of the bond prescribed in the preceding section, give a bond in a sum and with two or more sureties to the satisfaction of the court with condition to pay all

Different bond may be given when executor is residuary legatee.

Not required to
return inven-
tory unless di-
rected by court.

Liability of ex-
ecutor for lega-
cies.

Inventory of ex-
ecutors, admin-
istrators and ad-
ministrators de
bonis non.

Repeals, etc.

the debts and legacies of the testator and to pay over said estate to the persons entitled thereto, in case the will at any time be set aside; in which case he shall not be required to return an inventory, unless it shall be made to appear to the satisfaction of the probate court that an inventory should be made and returned, wherever it appears that the probable value of said estate is less than \$500. The executor shall not be liable for legacies paid to legatees other than himself, after twenty-four months from the probating of the will, and before an action to set the same aside has been commenced; the legatee, however, shall be liable to repay the legacy and interest thereon if the will be set aside.

Sec. 6023. Every executor, administrator and administrator de bonis non shall, within three months after his appointment, make and return upon oath, into court, a true inventory of all the goods, chattels, moneys, rights and credits of the deceased, which are by law to be administered, and which shall have come to his possession or knowledge; but if the probable value thereof be less than \$500, the court may direct the same to be omitted, provided that if his predecessors have so done, an administrator de bonis non shall not be required to return and file an inventory, unless in the opinion of the probate court, the same is necessary. The word "inventory" in this chapter shall include an appraisement.

SECTION 2. This act shall take effect and be in force from and after its passage, and original sections 5997 and 6023 be and the same are hereby repealed.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 25, 1898.

216G

[Senate Bill No. 246.]

AN ACT

To reimburse Edward Figgins for the loss of a canal boat in the year 1863 by fire.

Appropriation
for Edward
Figgins.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be, and hereby is, appropriated out of any moneys to the credit of the general revenue fund in the state treasury, not otherwise appropriated, the sum of two hundred and twenty dollars, without interest, in full liquidation of his claim to reimburse Edward Figgins, of Nelsonville, Athens county, Ohio, for a canal boat burned in 1863, at the time of Morgan's raid through Ohio; said Morgan's men having burned said boat; said boat having been engaged in the transportation of Union

soldiers on their way to Athens to join the Union army, Morgan's men having burned the boat in order to prevent its further use in this cause. The auditor of state is hereby authorized and required, upon the taking effect of this act, to draw his warrant upon the state treasurer, payable to Edward Figgins, for the sum of money thus appropriated.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 26, 1898.

217G

[Senate Bill No. 259.]

AN ACT

To establish a board of commissioners in Ohio for the promotion of uniformity of legislation in the United States.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the governor shall, within thirty days after the passage of this act, appoint three suitable persons, who are hereby constituted a board of commissioners by the name and style of commissioners for the promotion of uniformity of legislation in the United States. The said commissioners shall meet and organize within thirty days after the said board shall be appointed, and shall hold office for a term not exceeding two years from the day of such organization. Any vacancy in the office of such commissioner by resignation, or otherwise, shall be filled for the unexpired term of appointment by the appointment of a suitable person by the governor. The governor may remove for cause any or all of said commissioners.

Board of commissioners for the promotion of uniformity of legislation in the United States; appointment; organization; terms; vacancies; removals.

SECTION 2. It shall be the duty of said board to examine the subjects of marriage and divorce, insolvency, the form of notarial certificates, acknowledgement of deeds, negotiable instruments, execution and probate of wills; to confer upon these matters with the commissioners appointed for the same purpose by any other state or states; to ascertain the best means to effect an assimilation and uniformity in the laws of the states upon these subjects, and especially to consider whether it would be wise and practicable for the state of Ohio to join with any other state or states of the union in extending an invitation to other states to send representatives to a convention to draft uniform laws to be submitted for adoption by the several states.

Duties of the board.

SECTION 3. The said board of commissioners shall keep a record of all its transactions, and shall, on or before

Report of board.

the thirty-first day of December, in the year eighteen hundred and ninety-nine, and may at any other time, make a report of its doings and of its advice and recommendations, to the governor, to be transmitted to the legislature.

Expenses of
members.

SECTION 4. No member of the board shall receive any compensation for his services, but each member shall be repaid from the treasury of the commonwealth the amount of his actual traveling and other necessary expenses incurred in the discharge of his official duty, after the account for the same has been audited by said board, and said board shall keep a full account of its expenditures.

Appropriation.

SECTION 5. To carry out the provisions of this act, a sum not exceeding one thousand dollars, may be expended, which is hereby appropriated out of the general revenue fund of the state, not otherwise appropriated, to be paid to the chairman of the commissioners for the use of the commissioners.

SECTION 6. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 26, 1898.

218G

[House Bill No. 259.]

AN ACT

To confer certain powers upon officers and agents of humane societies.

Removal of child
from possession
of parent by offi-
cer of humane
society.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever any officer or agent of a society in this state, organized under title 2, chapter 13, of the Revised Statutes, shall deem it for the best interest of any child, either by reason of cruelty inflicted upon said child or by reason of the surroundings of the child, that said child be removed from the possession and control of the parents or other person or persons having charge thereof, said officer or agent may take possession of said child summarily; and shall cause a notice to be personally served upon the person having control or possession of said child, and upon the parent or parents of said child, if within the state, that the said society will apply to the probate court of the county in which said society is situated, at a time and place named in such notice, for an order as hereinafter set forth.

Notice to be
served upon per-
son having pos-
session of child
and upon
parents.

Order of probate
court making
general agent of
society guardian
of child.

SECTION 2. At the time set forth in said notice, if it shall appear to the satisfaction of the probate judge, that it is for the best interest of said child that possession and control thereof be taken from said parent or other person

having control or possession thereof, said probate judge shall make an order conferring upon the general agent of said society the powers of a guardian as to such child; and, as such guardian, said general agent may, with the approval of the probate judge, provide a suitable home for such child until said child reaches the age of majority or until such time as the probate judge may be satisfied that the parent or parents of said child are in a position to properly provide and care for said child.

Guardian to provide home for child.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 25, 1898.

219G

[Senate Bill No. 267.]

AN ACT

To authorize the issuing of refunding bonds or certificates of indebtedness to pay certain equitable indebtedness and obligations of villages in the state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any village of said state are [is] hereby authorized and empowered to provide by ordinance, three-fourths of the members elected thereto concurring therein, for borrowing money and issuing bonds, or certificates of indebtedness therefor, for the purpose of paying for any improvements heretofore made by said villages, acting under any law that may have been declared unconstitutional subsequent to such improvement having been made, or such obligation having been incurred under such unconstitutional law; provided, such village has received the benefit of such improvement.

Municipalities authorized to borrow money and issue bonds to pay for improvements constructed or contracted for under unconstitutional acts.

SECTION 2. The bonds or certificates of indebtedness herein provided for, whether they be bonds or certificates of indebtedness, to bear interest not to exceed six per cent. per annum, payable annually, and payable at such time or times as the council may by ordinance determine.

Interest, etc.

SECTION 3. The amount so borrowed, and the interest thereon, shall not exceed the amount of outstanding bonds, obligations, or claims, so contracted under such unconstitutional act. The money so borrowed shall be placed to the credit of the proper fund, and used only for the purpose of redeeming any such indebtedness or obligations so outstanding.

Money to be borrowed limited to amount of outstanding bonds, etc.

SECTION 4. The proceedings of any such council, acting hereunder, shall be governed by chapter two (2), division nine (9), chapter [title] twelve (12), so far as the same may be applicable.

Proceedings of council to be governed by what laws.

Repeals, etc.

SECTION 5. All sections or parts of sections of the Revised Statutes of Ohio, in conflict herewith are hereby repealed; this act shall be in force and take effect from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 25, 1898.

220G

[House Bill No. 272.]

AN ACT

To amend section 6923 of the Revised Statutes, as amended April [28], 1890.

Offenses against
public health:

Unlawful de-
posit of dead
animals, offal,
etc., into or upon
land or water.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 6923 of the Revised Statutes be amended to read as follows:

Sec. 6923. Whosoever puts the carcass of any dead animal, or the offal from any slaughter-house, or butcher's establishment, packing-house, or fish-house, or any spoiled meat, or spoiled fish, or any putrid substance, or the contents of any privy vaults, upon or into any lake, river, bay, creek, pond, canal, road, street, alley, lot, field, meadow, public ground, market space or common, and whoever being the owner or occupant of any such place, knowingly permits any such thing to remain therein, to the annoyance of any of the citizens of this state, neglects or refuses to remove or abate the nuisance occasioned thereby, within twenty-four hours after knowledge of the existence of such nuisance upon any of the above described premises, owned or occupied by him, or after notice thereof in writing, from any supervisor, constable, trustee, or health officer of any municipal corporation or township in which such nuisance exists, or from a county commissioner of such county, shall be fined not more than fifty dollars nor less than ten dollars, and pay the cost of prosecution, and in default of the payment of said fine and costs, be imprisoned not more than thirty days, but the provisions hereinbefore made shall not prohibit the depositing of the contents of privy vaults and catch-basins into trenches or pits not less than three (3) feet deep, excavated in any lot, field or meadow, the owner thereof consenting, outside the limits of any municipal corporation, and not less than thirty rods distant from any dwelling, well or spring of water, lake, bay or pond, canal, run, creek, brook or stream of water, public road or highway; provided, that said contents deposited in said trenches or pits are immediately thereafter covered with dry earth to the depth of at least twelve inches; nor shall said provisions prohibit the depositing of said contents into furrows situate and distinct, as specified for said

trenches or pits; provided, the same are immediately thereafter wholly covered with dry earth by plowing or otherwise; and, provided, also, that the owner or occupant of the land in which said furrows are plowed consents, and is a party thereto; provided, also, that the board of health of any municipal corporation may allow said contents to be deposited within corporate limits into trenches or pits or furrows, situate, distant and to be covered as aforesaid. Provided, further, that in cities of the second grade of the second class having and maintaining a crematory, the contents of privy-vaults in said cities and towns shall be deposited at said crematory, and whoever shall haul away and deposit the contents of any such privy vault, in any such municipal corporation, at any other place than at such crematory, shall be fined not more than fifty dollars nor less than ten dollars, and pay the cost of prosecution, and in default of the payment of said fine and costs, be imprisoned not more than thirty days.

Deposit of contents of privy vaults in cities of the second grade of the second class (Dayton).

SECTION 2. That said section 6923, as amended April 28, 1890, be and the same is hereby repealed; and this act shall take effect and be in force from and after its passage.

Repeals, etc.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 26, 1898.

221G

[Senate Bill No. 288.]

AN ACT

To amend section 5298 of the Revised Statutes, as amended March 22, 1892 (O. L., 89 v., p. 124).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 5298 of the Revised Statutes of Ohio, as amended March 22, 1892 (O. L., 89 v., page 124), be amended so as to read as follows:

Exceptions:

Sec. 5298. The party objecting to the decision must except at the time the decision is made, and time may be given to reduce the exception to writing, but not more than fifty days beyond the date of the overruling of the motion for a new trial, or from the adjournment of the term at which such decision was rendered by the court when a motion for a new trial is not necessary, and a general exception taken to any charge of any court to a jury shall apply to any and all errors of law which may exist in such charge that are material and prejudicial to the substantial rights of the party excepting.

When exceptions must be taken and reduced to writing.

General exception to charge of court; to what it shall apply.

SECTION 2. Said section 5298, as amended March 22, 1892, is hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 25, 1898.

222G

[Senate Bill No. 311.]

AN ACT

Supplementary to an act entitled "An act to provide for a commission to establish the boundaries and lines of the canals, canal basins, reservoirs, etc., of the state by an accurate survey by metes and bounds, together with maps and plats of the same, and to define and protect the ownership and titles of the state in and to all lands belonging to and connected with said canals."

Canal commis-
sioners; ap-
pointment.

Powers and
duties of com-
missioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the term of office of the commission appointed by the authority of an act entitled "An act supplementary to an act entitled 'An act to provide for a commission to establish the boundaries and lines of the canals, canal basins, reservoirs, etc., of the state by an accurate survey by metes and bounds, together with maps and plats of the same, and to define and protect the ownership and titles of the state in and to all lands belonging to and connected with said canals,'" passed March 30, 1896, having expired by limitation, and the work assigned to said commission not having been completed, the governor is hereby authorized to appoint by and with the advice and consent of the senate, two canal commissioners, who shall complete, in the manner therein provided, the work prescribed in the act entitled "An act to provide for a commission to establish the boundaries and lines of canals, canal basins, reservoirs, etc., of the state by an accurate survey by metes and bounds, together with maps and plats of the same, and to define and protect the ownership and titles of the state in and to all lands belonging to and connected with said canals," passed March 28, 1888 (O. L., vol. 85, page 127), and the act amendatory thereof, passed April 12, 1889 (O. L., vol. 86, page 270), and the act supplementary thereto (to which this act is supplementary), passed April 18, 1890 (O. L., vol. 87, page 219), and the act amendatory of the act of April 12, 1889, above named, passed May 1, 1891 (O. L., vol. 88, page 507), and the act enlarging the duties of the canal commission, passed April 23, 1891 (O. L., vol. 88, page 338), and any other act amendatory of or supplementary to the above named acts, and for such purposes the canal commissioners created by this act shall exercise the powers and perform the duties conferred and imposed upon the canal commission, or any member thereof, by the above named acts, or either of them, or by any exist-

ing law. The term of office of such canal commissioners shall be two years, unless sooner removed by the governor, who is authorized to fill any vacancy occurring in the office. The said canal commissioners, after appointment, shall each take an oath of office and give bond in the sum of ten thousand dollars, conditional for the faithful discharge of his duties, and shall each receive the sum of fifteen hundred dollars per annum and necessary expenses in the prosecution of his duties, to be paid as the compensation and expenses of the canal commission, of which such canal commissioners will be the successors, as now required by law to be paid.

Terms; vacancies.

Oath; bond; compensation; expenses.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 26, 1898.

223G

[Senate Bill No. 321.]

AN ACT

To amend section 1512 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1512 of the Revised Statutes of Ohio be amended so as to read as follows:

Officers of civil townships:

Sec. 1512. No money belonging to the township shall be paid out by the treasurer, except upon an order signed personally by at least two of the township trustees and countersigned personally by the township clerk; and at the expiration of his term of office, or on his resignation or removal from office, the treasurer shall deliver to his successor all moneys, books, papers and other property in his possession as treasurer; and in case of his death or incapacity his legal representative shall deliver over the same as aforesaid.

How township money paid out.

Delivery of moneys, books, papers and other property by treasurer to successor.

SECTION 2. That said section 1512 of the Revised Statutes be and the same is hereby repealed, and this act shall take effect and be in force from and [after] its passage.

Repeals, etc.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 25, 1898.

224G

[House Bill No. 330.]

AN ACT

To authorize the governor to appoint a commission to revise the municipal code of the state, and making appropriations therefor.

Municipal code commission; appointment of members. SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the governor of the state is hereby authorized to appoint two persons, not more than one of whom shall be of the same political party, skilled in the law to revise the laws relating to the organization of cities and villages in this state.

Official designation; vacancies. SECTION 2. The persons so appointed shall compose a commission to be known as the municipal code commission, and any vacancy occurring therein shall be filled by appointment by the governor.

Duty of commission. SECTION 3. Such commission shall prepare a bill for the organization for cities and villages in Ohio, which plan of organization shall be uniform in its operation throughout the state, and in which there shall be a separation of legislative and executive powers of the officers of municipal corporations.

Bill to be prepared for presentation to general assembly; report to governor. SECTION 4. The commission shall prepare such bill in form to be acted upon, and adopted by the general assembly, and shall also prepare an explanation and analysis thereof, which, together with the bill, shall be reported to the governor prior to the assembling of the next general assembly, and the same shall be by the governor submitted to the general assembly for its action thereon, with such recommendations as he may deem proper.

Appropriation. SECTION 5. There is hereby appropriated out of any funds in the treasury of the state, not otherwise appropriated, the sum of fifteen thousand dollars to defray the cost of the work herein contemplated, to be drawn on the warrant of the auditor of the state, payable to such persons, in such amounts and at such times as the governor may approve and order.

SECTION 6. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 25, 1898.

225G

[Senate Bill No. 333.]

AN ACT

To amend section 3490 of the Revised Statutes of the state of Ohio, as amended March 12, 1886 (O. L., vol. 83, page 30).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3490 of the Revised Statutes of Ohio, as amended March 12, 1886 (O. L., vol. 83, page 30), be amended so as to read as follows:

Turnpike and
avenue compa-
nies:

Sec. 3490. All persons driving carriages or vehicles of any description or riding horse back or on bicycles on any public turnpike, road or highway of this state shall, on meeting carriages, or vehicles of any description or persons riding on horseback or on bicycles, keep to the right so as to leave half of the road free, and if any person purposely and wilfully neglects or refuses to comply with the provisions of this section; or in any other manner hinder wilfully or purposely obstruct any person in the free passage of any such road or highway he shall, on conviction thereof, before any justice of the peace or other court having jurisdiction, for every such offense, be fined in any sum not less than five dollars nor more than twenty-five dollars, for the use of the common schools of the county in which the prosecution is had.

Penalty for ob-
structing travel
on roads.

SECTION 2. Said section 3490, as amended March 12, 1886 (O. L., vol. 83, page 30), is hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 26, 1898.

226G

[Senate Bill No. 334.]

AN ACT

For the further and better protection of fish and game.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 6968—1, 6968—2, section 6968—3, section 6968—4, as passed April 27, 1896, be amended so as to read as follows:

Offenses against
public policy:

Sec. 6968—1. No person shall draw, set, place, locate or maintain any pound-nets, seine, gill-nets, trap or fish-net whatever in any of the waters of the state, except in the waters of Lake Erie, in the waters of Sandusky bay as far up as the east end of Eagle island; in the waters of Maumee bay as far up as Maumee bridge; in the waters of Portage bay as far up as Oak Harbor bridge, and further

Use of nets or
seines prohib-
ited in waters
of the state ex-
cept Lake Erie,
its bays, etc.

Time within which nets or seines not permitted to be used.

Distance from shore of mainland.
Distance from island.

Channel or passage.

Use of gill-net.

Use of reefs prohibited.

Pier, breakwater, embankment, dam, bridge, bay or river.

Semi-annual statements of person or firm using nets.

License for net fishing; from whom obtained; fees.

excepting in the waters of any other bay or estuary bordering on or flowing into Lake Erie; nor catch fish in that portion of the waters of Ten Mile creek lying within the state of Ohio with any device whatever, except with hook and line with bait or lure. No person shall draw, set, place, locate or maintain any pound-net, seine, gill-net, trap or fish-net whatever, in the waters of Lake Erie, between the first day of January and the first day of March, nor in Sandusky bay as far up as the east end of Eagle island, nor in Maumee bay as far up as Maumee bridge, nor in Portage bay as far up as Oak Harbor bridge, nor in any other bay or estuary bordering on or flowing into Lake Erie, between the fifteenth day of May and the fifteenth day of September, and between the first day of January and the first day of March. No person shall set, place, locate or maintain any pound or trap-net in Lake Erie at a greater distance than eight miles from shore or mainland. No person shall set, place, locate or maintain any pound or trap-nets in such waters at a greater distance than four miles from the shore of any island; provided, however, that no person shall set, place, locate or maintain any fish-nets in any channel or passage lying between any island and any other island, or island and the mainland, a greater distance from the shore of such island or mainland than one-fourth of the distance across such channel or passage lying between any islands, or between any island and the mainland, at a place where such nets crossing such channel or passage are located. No person shall set, place, locate or maintain any gill-net, or catch fish with a gill-net, in any waters of Lake Erie except where the water is thirty-six feet deep or over. No person shall set, place, locate or maintain any fish-nets on any of the reefs of Lake Erie. No person shall set, place, locate or maintain any nets whatever within a radius of one-half mile from any pier or breakwater built and maintained by the United States government, at the mouth of any river or creek flowing into Lake Erie, nor within one-half mile of any embankment, dam or bridge in any bay or river connected with or flowing into Lake Erie, nor more than one-fourth the distance across any bay or river whose waters flow into Lake Erie. Each and every person or firm engaged in catching fish with nets in waters mentioned in this section shall, on the thirtieth day of June and the thirty-first day of December of each year, file a certified statement with the commissioners of fish and game, showing the varieties or species of fish caught, and the amount in weight of each kind of species so caught or taken, and such statement shall show the number and kinds of nets used, the number of vessels used and the number of men employed during the preceding six months or half-year.

Sec. 6968—2. No person, firm or corporation shall engage in the catching of fish for profit with nets in the waters of Lake Erie and the estuaries and bays thereof

within this state, without complying with the provisions of this section. Every such person, firm, or corporation desiring to engage in fishing as above mentioned, shall make application to the commissioners of fish and game and obtain a license or authority so to do; and for such license or authority shall pay the following fee: For each tug-boat or boats propelled by steam engaged in fishing with gill-net, the sum of forty dollars; for each sail boat engaged in fishing with gill-nets, the sum of five dollars; for each pound-net, fyke-net, or trap-net used in fishing, the sum of three dollars; for all other nets, or seines used in fishing, except gill-nets fished from boats which have been licensed as hereinabove provided, the sum of two dollars each. For the purposes of this section, a pound-net is defined to be a net having one lead, a set of hearts, one tunnel, and one pot or crib. Each tug, steam, or sail boat licensed as above required shall, during the time it is being used in fishing, have posted up in some conspicuous place on such boat, the license granted hereunder. In the case of nets, the said fish and game commissioners shall furnish the owner, for each net licensed, a metal tag or seal, which shall be securely fastened upon the net in such manner as said commissioners shall direct; and it shall not at any time be removed therefrom. The license granted under the provisions of this section shall entitle the owner of the boat or net so licensed, to engage in fishing with the same for a period of one year from the date of issuing such license. All fees required to be paid hereunder shall be paid to the president of the commissioners of fish and game, and by him paid into the state treasury to the credit of a fund, which is hereby appropriated, for the purpose of propagating, protecting and preserving the fish in the waters of Lake Erie; which fund shall be paid out upon the warrant of the auditor of state issued upon requisition signed by the president and secretary of the commissioners of fish and game. Any net, or any other means or device whatever for taking or capturing fish, or whereby they may be taken or captured, located, set, put, floated, had, found or maintained, in or upon any of the waters or streams of this state, or upon any boat engaged in fishing in any waters of this state, in violation of any law enacted for the protection of fish, is hereby declared to be, and is, a public nuisance, and may be abated and summarily destroyed by any person. And it shall be the duty of every game warden, deputy game warden, sheriff, constable, or other police officer, to seize and remove, and forthwith destroy the same; and no action for damages shall lie or be maintained against any person for or on account of any such seizure or destruction. And it shall be the duty of every such officer to seize any boat found fishing in violation of the law, and the same shall be liable for any fines assessed against any person or persons found fishing in an

Definition of pound-net.

License to be posted.

Metal tag or seal to be placed on nets.

License covers period of one year.

Disposition of fees.

Destruction of nets unlawfully used.

Duty of game wardens and other officers with respect thereto.

Prosecutions;
compensation
of prosecuting
attorney.

unlawful manner upon any such boat. It is hereby made the duty of all game wardens and deputy game wardens of this state, to prosecute all violations of the law relating to fish and game, in connection with the prosecuting attorney of the county wherein such offense shall have been committed, or the attorney-general, and for his services such prosecuting attorney shall be entitled to receive twenty per cent. of all fines assessed and collected upon any prosecution conducted by him.

Possession of
specialized fish
under pre-
scribed length
unless caught
with hook and
line, prohibited.

Release of un-
dersized.

What not
deemed viola-
tion.

Purchase, sale
or possession.

Penalty.

Disposition of
fines.

Channels and
passages.

"Person" and
"possession"
defined.

Sec. 6968—3. No person shall have in his possession fish caught in the waters mentioned in section 6968—1 of this act of a less length than the following unless caught with a hook or line: Sauger and blue pike, eleven inches; pickerel, fourteen inches; black bass, fourteen inches; grass pike, twenty inches; white fish, fifteen inches; herring, ten inches; cat fish, fifteen inches; perch, eight inches, and sturgeon, four feet. And all fish caught of a length less than herein prescribed for the respective species or kind shall be released alive immediately while the nets are being lifted, or taken up, in such a manner as not to injure the fish so released. Provided, however, that the releasing of such undersized fish shall apply only to the varieties of fish herein mentioned, and having in possession, or failing to return to the water alive as herein provided by the catcher, a quantity of such undersized fish not exceeding in weight three per cent. of each boat load, or part of a boat load, lot, catch or haul, brought into port, of each variety of fish, the length of which is herein prescribed, shall not be deemed a violation of this act. No person shall buy, sell or offer for sale or have in his possession any fish caught out of season or in a manner prohibited. Any person violating any of the provisions of this section, or any provisions of sections 6968—1 or 6968—2, Revised Statutes, shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than twenty-five dollars nor more than one hundred dollars, for the first offense, and not less than fifty dollars nor more than one hundred dollars for each subsequent offense, and in case of failure or refusal to pay said fine and costs, to be imprisoned in the county jail or workhouse until said fine and costs are paid; and all fines collected under this act shall go to the county fish and game fund in the county wherein the offense was committed, unless otherwise directed and ordered by the fish and game commissioners of this state.

Sec. 6968—4. (Constructions and exceptions.)

1. Channels and passages shall be considered those waters lying between islands, and an island and mainland, where the waters of the lake are narrow, or obstructed in consequence of the location of the island therein.

2. The word "person" as used in this act shall include all individuals, firms, joint stock companies, corporations and all combinations thereof, and the word "pos-

session" shall include both actual and constructive possession.

3. Measurements of fish shall be made from end of nose to center fork of tail. Measurements.

4. Nothing in this nor any other act shall prevent the taking of minnows for bait with seines six feet or less in length, or shall prevent the fish and game commissioners of this state, or their agent or persons authorized by them, from taking fish at any time, or at any place, in any manner, for the purpose of stocking ponds, lakes and rivers and for the maintenance and cultivation of fish in hatcheries. Bait; stocking; hatcheries.
And nothing in this act shall apply to artificial fish ponds, or the catching or taking of German carp, in any of the bays, marshes, estuaries or inlets bordering upon, flowing into or in any way connected with Lake Erie, which may be caught, or taken at any time, or in any manner, provided written permission be first given for the catching or taking thereof by the state fish and game commission. Artificial fish ponds; German carp.

5. The finding of any nets, fishing devices or other articles set or maintained in violation of any law shall be prima facie evidence of the guilt of the person or persons owning or operating the same. Evidence of guilt.

6. No rock or land elevated above the surface of the water of Lake Erie having an area of less than five acres above water shall be considered an island for the purpose of this act. Rock or land not considered island.

7. For the purpose of this act a reef shall be understood to mean the bed of the lake where the water is twenty feet or less in depth, whether it be along the shore of the mainland, the shore of an island or the bed of the lake in any place, and where in each case the same is composed of rock, either broken or in place, or of gravel. Reef.

SECTION 2. That any provision of law inconsistent or conflicting therewith is hereby declared void as to such inconsistency, but not otherwise. Repeal of inconsistent provisions.

SECTION 3. Section 6968—1, section 6968—2, section 6968—3 and section 6968—4, as passed April 27, 1896, be and the same is [are] hereby repealed. Repeals.

SECTION 4. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 26, 1898.

227G

[House Bill No. 339.]

AN ACT

Providing that the rule of the supreme court of Ohio making educational requirements for admission to the bar shall not apply to certain persons.

Applicants for admission to bar exempt from certain rule of supreme court.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That no rule of the supreme court of this state requiring an applicant for admission to the bar of this state to have received any diploma of graduation, or any certificate granted by a board of school examiners, as a condition precedent, or as a qualification for admission to the bar, shall affect or apply to any person, who has regularly and attentively studied law during the period of three (3) years prior to the passage of this act, either under the tuition of some practicing attorney, or in regular attendance at some law school, or for a part of such period under such tuition, and for the rest of it in attendance at law school.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 25, 1898.

228G

[Senate Bill No. 341.]

AN ACT

Providing for the distribution of state publications through the state library.

Copies of state reports, etc., to be furnished to library commissioners by supervisor of public printing.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the supervisor of public printing is hereby authorized and directed to deliver to the board of library commissioners any number of copies, not exceeding two hundred, of every report ordered printed by the governor or the general assembly, and of all bulletins, pamphlets and other documents that may be printed by or for any department, board or officer. These copies are to be printed in addition to those provided by law for the departments themselves or for the general assembly, except that the two hundred copies of the laws, senate journal, house journal and executive documents shall be taken from the number now printed.

Reports printed under direction of other officers.

SECTION 2. When any printing is done, wholly or in part by the state, under direction of an officer or officers other than the supervisor of public printing, a number of copies, not exceeding two hundred, of each report, pamphlet, bulletin or other publication so printed, shall be deliv-

ered to the board of library commissioners by the officer under whose direction the printing is done.

SECTION 3. When fewer than two hundred copies of the publications named in sections one and two of this act are desired; the board of library commissioners shall notify the supervisor of public printing or other proper officer who shall deliver the number required:

When board to notify supervisor of number required.

SECTION 4. Any reports or other publications remaining undistributed in the custody of the secretary of state one year after publication, shall be subject to requisition by the board of library commissioners, to be distributed in accordance with sections 350 and 351 of the Revised Statutes, as amended April 22, 1896 (O. L., 92 v., 291).

Publications subject to requisition of board.

SECTION 5. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 26, 1898.

229G

[House Bill No. 345.]

AN ACT

To amend sections 6390 as amended May 1, 1885 (O. L., 82, page 202), and 6391 as amended April 5, 1889 (O. L., 86, page 208), of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 6390, as amended May 1, 1885 (O. L., 82, page 202), and 6391, as amended April 5, 1889 (O. L., 86, page 208), of the Revised Statutes of Ohio, be amended so as to read as follows:

Marriages:

Sec. 6390. Every person applying for a marriage license as aforesaid, shall state upon oath, the name, age, residence, place of birth, occupation, father's name, if known, and the mother's maiden name, of each of the parties to such contemplated marriage, and shall also state the number of times either party has been previously married, and in case the bride is a widow, or a divorced woman, her married name shall also be stated, and in addition the name of the person who is expected to solemnize the marriage shall be stated, and if the judge shall be satisfied there is no legal impediment thereto, then he shall grant such marriage license; which said license shall have printed upon it in prominent type the fact that unless the person solemnizing the marriage return a certificate thereof to the probate court within thirty days after performing the ceremony he is guilty of a misdemeanor and on conviction thereof may be punished by a fine of fifty (50) dollars. An envelope suitable for returning the certificate of marriage

Statement under oath required of applicant for license.

Notice to be printed on license stating penalty for neglect to return certificate showing ceremony has been performed.

Consent of parents of minors.	<p>and addressed to the proper probate court shall be given with each license; and if any of the persons intending to marry shall be under age, and shall not have had a former wife or husband, the consent of the parents or guardian shall be personally given before the judge, or certified under the hand of such parent or guardian by two witnesses, one of whom shall appear before said judge and make oath that he saw the parent or guardian, whose name is annexed to such certificate, subscribe, or heard him or her acknowledge the same; but if the parent or guardian of such minor, is a non-resident of, or absent from the county in which license must issue, he may personally appear before the judge of a court of record, in the county in which he is at the time domiciled, and give his consent, in writing, to such marriage; which consent must be attested by two witnesses, and certified to by said judge and forwarded to the probate judge of the county in which license must issue; and the judge is hereby authorized to administer any oath [herein] required, and thereupon issue and sign such license, and affix thereto the seal of the court; the judge shall be entitled to receive as his fee for administering the oath and granting license, with the seal affixed thereto, recording the certificate of marriage, and filing the necessary papers, the sum of seventy-five cents; and if any judge shall, in any other manner, issue or sign any marriage license, he shall forfeit and pay a sum not exceeding one thousand dollars, to and for the use of the party aggrieved. Provided, that should the person then qualified and acting as probate judge, be himself the party applying, he shall make the application to the judge of the court of common pleas, within and for the same county, and if there be no legal impediment thereto, said common pleas judge shall grant said probate judge a marriage license, and shall thereupon certify said application, and his action thereto, to the probate court of said county, for record, as in other cases.</p>
How consent of non-resident or absent parent or guardian obtained.	
Fee of judge.	
Penalty for improper performance of duty.	
Where probate judge is the applicant.	
Certificate of marriage to be transmitted to probate judge and recorded.	<p>Sec. 6391. A certificate of every marriage hereafter solemnized, whether authorized by publication of bans in the congregation, or by license issued by the probate judge shall forthwith be transmitted to the probate judge in the county where the marriage license was issued, or the congregation wherein said bans were published is situated, or where the marriage was celebrated. All such certificates of marriage filed with the probate judge, shall be numbered consecutively and be recorded in the order in which the same are received. Every justice, mayor, or minister, or clerk of the monthly meeting, failing to transmit such certificate to the probate judge, within thirty days after the solemnization of the marriage, shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined in a sum not exceeding fifty (50) dollars.</p>
Penalty.	
Repeals; when act takes effect.	<p>SECTION 2. That said sections 6390, as amended May 1, 1885 (O. L., 82, page 202), and 6391, as amended April 5, 1889 (O. L., 86, page 208), be and the same are hereby</p>

repealed; and this act shall take effect and be in force from and after January 1, 1899.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 25, 1898.

230G

[Senate Bill No. 392.]

AN ACT

To amend and reenact section 752 of the Revised Statutes of Ohio, as amended February 23, 1886 (O. L., vol. 83, page 6).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 752 of the Revised Statutes of Ohio be amended so as to read as follows:

Boys' industrial school:

Sec. 752. The boys' industrial school, situate in Fairfield county, has for its object, the reformation of those committed to its charge; and all youth committed thereto shall be committed until they arrive at full age, unless sooner reformed.

Committal to institution.

SECTION 2. That said section 752 of the Revised Statutes of Ohio be and the same is hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 25, 1898.

231G

[House Bill No. 360.]

AN ACT

For the relief of the widow and minor children of Thomas B. Hunt, killed at the state institution for feeble-minded youth.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the auditor of the state is hereby authorized to issue his warrant on the treasury to pay to Maggie Hunt, widow of Thomas B. Hunt, deceased, and to any lawful guardian of Harry Hunt, John C. Hunt, Winifred Hunt, Thomas E. Hunt, Julia D. Hunt and Mary D. Hunt, minor children of Thomas B. Hunt, deceased, the sum of fifteen hundred dollars out of any money in the treasury to the credit of the general revenue fund not otherwise appropriated, which sum shall be in full liquidation and payment to said widow and minor children for the

Appropriation for widow and minor children of Thomas B. Hunt.

death of Thomas B. Hunt, caused by a gas explosion while said deceased was engaged in the employment of the state of Ohio, at the state institution for feeble-minded youth.

How appropriation to be apportioned.

SECTION 2. The probate judge of Franklin county, Ohio, is authorized to apportion the amount paid among such beneficiaries in such manner as he may deem fair and equitable, provided the same shall not exceed twenty-five dollars per month, until the same is fully paid.

SECTION 3. This act shall take effect on and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.
232G

Passed April 26, 1898.

[Senate Bill No. 367.]

AN ACT

To amend section 4030 (as amended 87, O. L., page 80), of the Revised Statutes of Ohio, pertaining to yearly enumeration of school youth.

Enumeration:

Yearly enumeration of school youth.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4030 (as amended 87 O. L., page 80), be amended so as to read as follows:

Sec. 4030. There shall be taken in each district, annually, during the two weeks ending on the fourth Saturday of May, an enumeration of all unmarried youth, noting sex, between six and twenty-one years of age, resident within the district, and not temporarily there, designating also the number between six and eight years of age, the number between eight and fourteen years of age, the number between fourteen and sixteen years of age, the number between sixteen and twenty-one years of age, and the number residing in the western reserve, the Virginia military district, the United States military district, and in any original surveyed township or fractional township to which belongs section sixteen, or other land in lieu thereof, or any other lands for the use of public schools, or any interest in the proceeds of such lands.

Repeals.

SECTION 2. Section 4030 (as amended 87 O. L., page 80), be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.
233G

Passed April 25, 1898.

[Senate Bill No. 369.]

AN ACT

To prevent the adulteration and injury of materials used in the manufacture of crockeryware.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whoever purposely and maliciously puts or causes to be put into or upon any flint, spar, clay, glaze, or other ingredient, or composition of ingredients, used in the manufacture of earthenware, c. c. granite, porcelain, china, or any other kind of potteryware any cobalt, soap, salt, sand, earth, or other material which will tend to adulterate or injure any such flint, spar, clay, glaze or other ingredient or composition of ingredients used in the manufacture of earthenware, c. c. granite, porcelain, china or any other kind of potteryware not herein named, shall be imprisoned in the penitentiary not more than seven years and not less than one year.

Penalty for adulteration of materials used in the manufacture of crockeryware.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 25, 1898.

234G

[Senate Bill No. 350.]

AN ACT

For the relief of the widow and family of Charles H. Bryant, late of company H, second regiment, infantry, Ohio national guard, who died from disease contracted at the encampment of his regiment at Cleveland, Ohio, August, 1896.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the auditor of the state of Ohio be and is hereby authorized to issue his warrant on the state treasury to pay the widow of Charles H. Bryant, deceased, late a member of company H, second regiment, infantry, Ohio national guard, for the sum of one thousand dollars out of any money in the state treasury to the credit of the general revenue fund not otherwise appropriated. Which sum shall be in full liquidation and payment to the widow of said Charles H. Bryant, and to the members of his immediate family, for loss sustained by them in his sickness, loss of time and death from disease contracted by him while in the line of duty as a member of the aforesaid company and regiment, while being encamped at Camp Moses Cleveland, Cuyahoga county, Ohio, in August, A. D. 1896.

Warrant in favor of widow of Charles H. Bryant.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 25, 1898.

235G

[Senate Bill No. 387.]

AN ACT

To amend sections 453 and 454 of the Revised Statutes of Ohio, as amended May 8, 1894, and February 7, 1885, respectively.

Circuit court : SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 453 of the Revised Statutes of Ohio, as amended May 8, 1894, and section 454 of the Revised Statutes of Ohio, as amended February 7, 1885, be so amended as to read as follows:

Transfer of disqualified judge for judge of other circuit.

Sec. 453. When a judge of the circuit court is interested in any cause or matter pending in the circuit court of any county of his circuit, or is related to or has a bias or a prejudice for or against either or any party to such cause, or has a bias or prejudice for or against any attorney of record of any party to such cause, or has sat in the lower court in the same cause or matter, or is otherwise disqualified to sit in such cause or matter, on request made by such judge to the chief justice he shall be transferred for the time being by the chief justice of the circuit court to another circuit in exchange for a judge of the circuit court who is qualified to sit in the trial or hearing of such cause or matter, or on the filing of an affidavit of either or any party to such cause or matter, or of his or her counsel setting forth the fact of such interest, bias, prejudice, or disqualification, the clerk of the court wherein such cause is pending shall forthwith enter the fact of the filing of such affidavit in said cause on the trial docket of said court, and forthwith notify the chief justice of the circuit court, or if he be disqualified, as aforesaid, or be absent from the state or disabled in any manner, a judge of some other circuit who is qualified, who shall thereupon, forthwith, make an order transferring, for the time being, the judge named in such affidavit to another circuit in exchange for a judge of the circuit court of such other circuit, who is qualified to sit in the trial or hearing of such cause or matter, and designate and appoint said judge from such other circuit to take the place of the judge disqualified, as aforesaid, in the hearing of any such cause or matter where the same is pending; and the order therefor shall be entered upon the journal of said court, and the judge so designated to take the place of said judge disqualified, as aforesaid, shall proceed to perform the duties so assigned to him;

and said judge so disqualified, as aforesaid, shall not sit in the trial or hearing of said cause or matter. And upon request made by the presiding judge of any circuit to the chief justice to assign a judge, or judges of the circuit court to hold court with the judge or judges of such circuit, or to assign judges to hold an additional court in such circuit, such chief justice shall, upon being satisfied that the business of such circuit requires it, assign such judge or judges of the circuit court, as in his opinion can be so assigned without impairing the business of the circuit of which he is a resident, to hold court in such circuit, and any judge so assigned, excepting in cases of transfers in exchange, shall be paid five dollars a day for expenses for every day he shall perform such judicial duties, including the time necessarily devoted to the examination and decision of cases heard by him in such circuit, out of the state treasury upon warrant of the auditor of state to be issued upon certificate of such chief justice.

Assignment of judge or judges to other circuits.

Expenses of judge so assigned.

Sec. 454. Process issuing out of the circuit court shall be directed to the sheriff or other proper officer of the county where the same is to be executed, who shall serve and return the same according to the command thereof; and he shall receive the same fees therefor as such officers are entitled to receive for like services in the common pleas court. It shall be his duty to attend upon the circuit court during its term in his county, and the county commissioners must provide a room for the holding of the circuit court and a consultation room for the judges and cause said rooms to be properly furnished, heated, ventilated, lighted and kept clean and in good order, and provide such other conveniences as the court may deem necessary; and upon the written requisition of the court the clerk of the court shall provide the court with all necessary stationery and furnish for the use of the court reports of the decisions of the courts of this state and the latest edition of the Revised Statutes and annotated codes, which books shall be the property of the county, and the expenses so incurred by the clerk shall be paid out of the county treasury on the warrant of the county auditor, and the performance of the foregoing duties by the sheriff, clerk and commissioners respectively, may be enforced by the court.

Process from circuit court; to whom directed; and how served fees for service.

County commissioners to provide room for holding of circuit court, etc.

Clerk of court to furnish court with stationery, reports and statutes.

Expenses to be paid by county.

SECTION 2. That section 453 of the Revised Statutes of Ohio, as amended May 8, 1894, and section 454 of the Revised Statutes of Ohio, as amended February 7, 1885, be and the same are hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

HARRY C. MASON,

Speaker of the House of Representatives.

ASAHIEL W. JONES,

President of the Senate.

Passed April 25, 1898.

236G

[House Bill No. 399.]

AN ACT

Relating to money raised for the benefit of county agricultural societies by taxation under any general or special law.

Money raised for county agricultural societies to be applied to purposes intended by act though life of act expired.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That where money has been raised by taxation in any county for the purpose of leasing lands for county fairs, or for the purpose of erecting buildings for county fair purposes, or for making any improvements on county fair grounds, or for any purpose connected with the use of county fair ground or the management thereof by any county agricultural society, shall be used for such purpose only, notwithstanding the law under which money was raised by taxation may have expired by limitation: such moneys shall be used for the purposes intended by the act under which such moneys were levied and collected by taxation.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 25, 1898.

237G

[Senate Bill No. 394.]

AN ACT

To amend section 5430 of the Revised Statutes; section 5441 of the Revised Statutes, as amended April 12, 1884 (81 O. L., 148); section 5483 of the Revised Statutes; section 5521 of the Revised Statutes, as amended March 2, 1891 (88 O. L., 65); section 5548 of the Revised Statutes; section 6489 of the Revised Statutes, as amended April 3, 1891 (88 O. L., 277), and section 6501 of the Revised Statutes.

Exemption from execution:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 5430 of the Revised Statutes, section 5441 of the Revised Statutes, as amended April 12, 1884 (81 O. L., 148), section 5483 of the Revised Statutes, section 5521 of the Revised Statutes, as amended March 2, 1891 (88 O. L., 65), section 5548 of the Revised Statutes, section 6489 of the Revised Statutes, as amended April 3, 1891 (88 O. L., 277), and section 6501 of the Revised Statutes be so amended as to read as follows:

Exemptions to heads of families and widows.

Sec. 5430. Every person, who has a family, and every widow, may hold the following property exempt from execution, attachment or sale, for any debt, damage, fine or amercement, to wit:

1. The wearing apparel of such person or family, the beds, bedsteads and bedding for the use of the same, one cooking stove and pipe, one stove and pipe used for warming the dwelling, and fuel sufficient for a period of sixty days, actually provided and designed for the use of such person or family.

2. One cow, or if the debtor owns no cow, household furniture to be selected by him or her, not exceeding thirty-five dollars in value, two swine, or the pork therefrom, or if the debtor owns no swine, household furniture to be selected by him or her, not exceeding fifteen dollars in value, six sheep, the wool shorn from them, and the cloth or other articles manufactured therefrom, or, in lieu thereof, household furniture to be selected by the debtor, not exceeding fifteen dollars in value, and sufficient food for such animals for a period of sixty days.

3. The bibles, hymn books, psalm books, testaments and school books used in the family, and all family pictures.

4. Provisions actually provided and designed for the use of such person, or family, not exceeding fifty dollars in value, to be selected by the debtor, and other articles of household and kitchen furniture, or either, necessary for such person or family, to be selected by the debtor, not exceeding fifty dollars in value.

5. One sewing machine, one knitting machine, and the tools and implements of the debtor necessary for carrying on his or her trade or business, whether mechanical or agricultural, to be selected by him or her, not exceeding one hundred dollars in value.

6. The personal earnings of the debtor, and the personal earnings of his or her minor child or children, for three months, when it is made to appear by the affidavit of the debtor, or otherwise, that such earnings are necessary to the support of such debtor, or of his or her family, and such period of three months shall date from the time of issuing any attachment or other process, the rendition of any judgment, or the making of any order, under which the attempt may be made to subject such earnings to the payment of a debt; provided, that if the claim, debt or demand for the payment of which it is sought to subject such personal earnings, is one for necessities furnished to the debtor, his wife or family after the passage of this act, then only ninety per centum of such personal earnings of the debtor shall be so exempt as against such claim, debt or demand; provided, also, that nothing herein contained shall in any wise render the personal earnings of such debtor's minor child or children, for three months, subject to the payment of any such claim, debt or demand.

7. All articles, specimens and cabinets of natural history or science, whether animal, vegetable or mineral, except such as may be kept or intended for show or exhibition for money or pecuniary gain.

Property ex-
empt from levy.

Sec. 5441. Husband and wife living together, a widow living with an unmarried daughter or minor son, every widow and every unmarried female, having in good faith the care, maintenance and custody of any minor child or children of a deceased relative, resident of Ohio, and not the owner of a homestead, may, in lieu thereof, hold exempt from levy and sale, real or personal property to be selected by such person, his agent or attorney, at any time before sale, not exceeding five hundred (\$500) dollars in value, in addition to the amount of chattel property otherwise by law exempted. Provided, that such selection and exemption shall not be made by the debtor, his agent or attorney, or allowed to the debtor from any money, salary or wages due him from any person, partnership or corporation whatever, as against any claim, debt or demand for necessities furnished to such debtor after the passage of this act, except to the extent of ninety per centum of such money, salary or wages.

Judge may order
property to be
applied on exe-
cution.

Sec. 5483. The judge may order any property of the judgment debtor, or money due to him, not exempt by law, in the hands either of himself or other person, or of a corporation, to be applied toward the satisfaction of the judgment, but the earnings of the debtor for his personal services, at any time within three months next preceding the order, cannot be applied when it is made to appear by the affidavit of the debtor or otherwise, that such earnings are necessary for the use of a family supported wholly or partly by his labor, provided, that if the judgment is one for necessities [necessaries] furnished to the debtor, his wife or family, after the passing [passage] of this act, an amount equal to ten per centum of such earnings may be ordered to be applied toward the satisfaction of such judgment.

Grounds upon
which plaintiff
may have attach-
ment.

Sec. 5521. In a civil action for the recovery of money the plaintiff may, at or after the commencement thereof, have an attachment against the property of the defendant upon the grounds herein stated.

1. When the defendant, or one of several defendants, is a foreign corporation, except as provided by an act entitled "An act to further supplement section 148 of the Revised Statutes," passed May 16, 1894 (91 O. L., 272), and as except provided by an act entitled "An act to amend section 1 of an act," etc., passed May 19, 1894 (91 O. L., 355); or,

2. Has absconded with the intent to defraud his creditors; or,

3. Has left the county of his residence to avoid the service of a summons; or,

4. So conceals himself that a summons cannot be served upon him; or,

5. Is about to remove his property, or a part thereof, out of the jurisdiction of the court, with the intent to defraud his creditors; or,

6. Is about to convert his property, or a part thereof, into money, for the purpose of placing it beyond the reach of his creditors; or,

7. Has property or rights in action, which he conceals; or,

8. Has assigned, removed, disposed of, or is about to dispose of, his property, or a part thereof, with the intent to defraud his creditors; or,

9. Has fraudulently or criminally contracted the debt, or incurred the obligations for which suit is about to be or has been brought; or,

10. That the claim is for work or labor, or for necessities [necessaries].

But an attachment shall not be granted on the ground that the defendant is a foreign corporation or a non-resident of this state, for any other claim other than a debt or demand arising upon contract, judgment or decree, or for causing death or a personal injury, by a negligent or wrongful act.

Sec. 5548. A garnishee may pay the money owing to the defendant by him, or so much thereof as the court shall order, to the officer having the attachment, or into court; he shall be discharged from liability to the defendant for any money so paid, not exceeding the plaintiff's claim, and shall not be subjected to cost beyond those caused by his resistance of the claims against him, and if he disclose the property in his hands, or the true amount owing by him, and deliver or pay the same according to the order of the court, he shall be allowed his costs, provided, that when any part of the earnings of the debtor is not exempt under the provisions of sections 5430 and 5441 of the Revised Statutes, as amended by this act, the garnishee process shall remain and be in force from the time of the service of [the] process [of] garnishment on such garnishee until the trial of the cause to determine the claim, debt or demand of the creditor, and shall bind all such earnings due at the time of such service, and that shall become due from the time of service until the trial of such cause; provided, however, that such garnishee may pay to such debtor an amount equal to ninety per centum of such personal earnings, due at the time of the service of process, or becoming due after such service until trial, and be released from any liability to such creditor for such ninety per centum only.

Garnishee may pay money into court, or to sheriff.

Sec. 6489. The plaintiff shall have an order of attachment against any property of the defendant (except as hereinafter provided) in a civil action before a justice of the peace, for the recovery of money, before or after the commencement thereof, when there is filed in this office an affidavit of the plaintiff, his agent or attorney, showing the nature of the plaintiff's claim, that it is just, the amount the affiant believes the plaintiff ought to recover, and that the property sought to be attached is not exempt from execution, and, if the personal earnings of the defendant are

Affidavit for attachment; what to contain.

sought to be attached, that the defendant is not the head or support of a family, and has not in good faith the maintenance and support of a widowed mother, wholly dependent upon him for support, or that such earnings are not for services rendered within three months before the commencement of this action, or, that being earned within that time, the same amount to more than one hundred and fifty dollars, and that only the excess over that amount is sought to be attached; or that the claim on which judgment is sought is for work or labor or for necessities; and except when the claim is for work, or labor or for necessities; also the existence of some one or more of the following particulars:

1. That the defendant, or one of several defendants, is a corporation, having no officer upon whom a summons can be served, or place of doing business in the county, or is a non-resident of the county; provided, that no proceedings in attachment shall be had to garnishee the salary or wages of the employes of a railroad company by reason of his non-residence, except before a justice or on account of his being a non-resident of the county in which his liability was incurred; or,

2. Has absconded with intent to defraud his creditors; or,

3. Has left the county of his residence to avoid the service of a summons; or,

4. So conceal himself that a summons cannot be served upon him; or,

5. Is about to remove his property, or a part thereof, out of the county, with the intent to defraud his creditors; or,

6. Is about to convert his property, or a part thereof, into money, for the purpose of placing it beyond the reach of his creditors; or,

7. Has property or rights of action which he conceals; or,

8. Has assigned, removed or disposed of, or is about to assign, remove or dispose of his property, or a part thereof, with intent to defraud his creditors; or,

9. Fraudulently or criminally contracted the debt, or incurred the obligation, for which suit is about to be or has been brought. When the defendant is a corporation, having no officer in the county upon whom a summons can be served, or a place of doing business in the county, or is a non-resident of the county, the attachment shall not be granted, unless the claim is for a debt or demand arising upon contract, judgment or decree, and no attachment shall issue by virtue of this chapter against the personal earnings of any defendant for services rendered by such defendant within three months before the commencement of the action or the issuing of the attachment, unless the defendant is not the head or support of a family, or

unless the amount of such earnings exceeds one hundred and fifty dollars, and then only as to the excess over that amount, or unless the claim is one for necessities, and then for only ten per centum of such personal earnings.

Sec. 6501. A garnishee may pay the money owing to the defendant by him, or so much thereof as the court shall order, to the constable having the order of attachment or into the court; he shall be discharged from liability to the defendant for any money so paid not exceeding the plaintiff's claim; he shall not be subjected to costs beyond those caused by his resistance of the claim against him; and if he disclose the property in his hands, or the true amount owing by him, and deliver or pay the same according to the order of the court, he shall be allowed his costs; provided, that when any part of the earnings of the debtor is not exempt under the provisions of sections 5430 and 5441 of the Revised Statutes, as amended by this act, the garnishee process shall remain and be in force from the time of the service of the process of garnishment on such garnishee until the trial of the cause to determine the claim, debt or demand of the creditor, and shall bind all such earnings due at the time of such service, and that shall become due from the time of service until the trial of such cause; provided, however, that such garnishee may pay to such debtor an amount equal to ninety per centum of such personal earnings, due at the time of the service of process, or becoming due after such services until trial, and be released from any liability to such creditor for such ninety per centum only.

Proceedings as
to garnishee.

SECTION 2. That said section fifty-four hundred and thirty (5430) of the Revised Statutes, section fifty-four hundred and forty-one (5441) of the Revised Statutes, as amended by the act passed April 12, 1884 (81 O. L., 148), and said sections fifty-four hundred and eighty-three (5483), fifty-five hundred and twenty-one (5521), as amended by the act passed March 3, 1891 (88 O. L., 65), fifty-five hundred and forty-eight (5548), sixty-four hundred and eighty-nine (6489), as amended by the act passed April 3, 1891 (88 O. L., 277), and sixty-five hundred and one (6501) of the Revised Statutes are hereby repealed.

Repeals.

SECTION 3. This act shall not extend to or affect any existing debt, contract, note or judgment.

Act does not
affect existing
debt, contract,
etc.

SECTION 4. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 26, 1898.

238G

[Senate Bill No. 388.]

AN ACT

To amend section 621 of the Revised Statutes of Ohio, as enacted April 6, 1896 (O. L., v. 92, 119), as heretofore supplemented and to further supplement the same by enacting sections 621—1, 621—2, 621—3, 621—4, 621—5, 621—6 and 621—7, relative to justices' courts and providing that in all cities of the third grade of the first class, and in the township or townships therein, there shall be a city court which shall also be a justice court, and the justices of the peace in and for the townships in said city shall be judges of said city court, and the judges of said city court shall be justices of the peace in and for said townships. To amend section 6482 of the Revised Statutes of Ohio, as enacted March 14, 1853 (O. L., v. 51, 179), relating to the time for parties to appear in justice's court. To amend section 6475 of the Revised Statutes of Ohio, as enacted March 14, 1853 (O. L., v. 51, 179), relating to the summons. To amend section 6549 of the Revised Statutes of Ohio, as enacted March 4, 1876 (O. L., v. 73, 14), relating to the selection of juries, and to further supplement the same by enacting sections 6549—1, 6549—2, 6549—3, 6549—4, 6549—5, relative to making up juries in city and justice courts, and to amend section 6564 of the Revised Statutes of Ohio, as enacted April 18, 1892 (O. L., v. 89, 375), relating to jury fees in justices' courts.

Justices of the
peace:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 621 of the Revised Statutes of Ohio, as enacted April 6, 1896 (O. L., v. 92, 119), be amended and further supplemented as follows; that section 6475 and section 6482 of the Revised Statutes of Ohio, as enacted March 14, 1853 (O. L., v. 51, 179), be and the same are hereby amended so as to read as follows; and that section 6549 of the Revised Statutes of Ohio, as enacted March 4, 1876 (O. L., v. 73, 14), be amended and further supplemented as follows; and that section 6564 of the Revised Statutes of Ohio, as enacted April 18, 1892 (O. L., v. 89, 375), be amended so as to read as follows:

Fees of justices
of the peace.

Sec. 621. Except as hereinafter provided, justices of the peace, for services rendered, shall be entitled to the following fees: For summons for each defendant named in the writ, twenty-five cents; for order of arrest, capias, writ of attachment, writ of replevin or mittimus, forty cents; for each subpoena, for one person twenty-five cents; for each person in addition named in the subpoena, five cents; for venire for jury, forty cents; for issuing execution, forty cents; for warrant in criminal cases, for each person named in the writ, forty cents; for each search warrant, forty cents; for writ of restitution, forty cents; for taking and certifying affidavit, forty cents; for order on jailer for prisoner or prisoners, forty cents; for entering a discontinuance or satisfaction, twenty cents; for entering bond or undertaking by either party, forty cents; for filing papers necessary to be preserved by justice, five cents each; for each recognizance of bail in civil causes, forty cents; for bill of exceptions and copy, fifteen cents for each one hundred words; for certifying the same, twenty-five cents; for trans-

cript from docket, fifteen cents per hundred words, and for certifying the same, twenty-five cents; for appointing guardian for minor to prosecute suit, twenty-five cents; for appointing special constables or appraisers, forty cents each; for taking recognizance of a witness, forty cents; for each additional witness, ten cents; for each recognizance of bail in criminal causes, forty cents; for each continuance or adjournment by either party, twenty cents; for entering a rule of reference or copy thereof, fifteen cents; for swearing witnesses or arbitrators, five cents each; for entering judgment, forty cents; for acknowledging deeds or other instruments of writing with a certificate thereon, forty cents; for sitting in the trial of any cause, civil or criminal, where a defense is interposed, whether tried to the justice or to a jury, one dollar; for judgment on docket, fifteen cents; for collections made upon judgments, if not paid within ten days after rendition of same, or within ten days after stay of execution, if such stay is taken, the same fees as are allowed by section 622 of the Revised Statutes to constables for money paid on execution; for taking depositions and certifying the same, ten cents per hundred words; for marrying and making return, two dollars; for taking and certifying proof of any account or claim against the estate of testators or intestates, twenty-five cents; for each process required by law not herein named, forty cents; for each writing or record not herein provided for, fifteen cents per hundred words; and all justices of the peace and notaries public shall, upon request, administer and certify to all oaths required in the procurement of bounties and pensions and payment of pensions, and they shall be entitled to charge and receive for each oath so administered and certified the sum of ten cents. Provided, however, that in actions in city and justice court in all cities of the third grade of the first class and in township or townships therein having a city and justice court, the judges of which are justices of the peace, in and for said city and townships, the costs charged and taxed in said actions shall be subject to the provisions of an act providing for city and justice courts in cities of the third grade of the first class and townships therein.

Toledo.

Sec. 621—1. In all cities of the third grade of the first class, and township or townships therein, there shall be four judges and justices of the peace in and for said cities and townships. They shall be elected at the regular municipal election of said cities in the same manner, and shall hold their office for the same term, possess the same jurisdiction, powers, duties and liabilities, and, except as otherwise provided in the Revised Statutes of Ohio, be subject to the same qualifications and disqualifications as justices of the peace for townships; but the justices of the peace of said townships in office at the time this act shall take effect, including any justices of the peace elected in the year 1898, shall continue to hold their offices, under the

Judges and justices of the peace in Toledo; election; terms; jurisdiction; powers; duties, etc.

Justices in office at time of passage of act.

Election of
judge and jus-
tice in 1900;
terms; juris-
diction; number
of judges and
justices.

Vacancies; how
filled.

Court-rooms;
private rooms;
office for clerk;
jury room.

Dockets, books,
statutes, blanks,
stationery, fur-
niture and fuel.

Preference to be
given to offices
in court-house.

provisions of this act, for the term for which they were elected, and the files, records and dockets belonging to or appertaining to those offices of justice of the peace shall belong to and be filed and safely kept in the clerk's office hereinafter mentioned. After the passage of this act any of said justices, during their term of office, shall be and are hereby authorized and empowered to issue executions upon any judgment appearing upon any of said dockets, in the same manner and with like effect as if said judgment had been rendered by him. At the annual municipal election in April, 1900, there shall be elected in each of said cities one judge and justice of the peace of said city and justice court for the term of three years, who shall be a judge and justice of the peace thereof in and for said city and township or townships therein, and thereafter there shall be but three judges and justices of the peace of said city and justice courts; and at the annual municipal election in nineteen hundred and one there shall be elected in each of said cities one judge and justice of the peace of said city and justice courts, who shall, for the term of three years, be a judge and justice of the peace thereof in and for said city and township or townships therein; and after said municipal election in the year nineteen hundred and one there shall be but two judges and justices of the peace of said city and justice courts in each of said cities and townships therein, and said judges and justices of the peace shall immediately after their election enter upon the discharge of the duties of their offices, and their successors shall be elected for the full term of three years, at the annual municipal election in the years in which the term of office of said judges and justices of the peace expire, and every three years thereafter. If any vacancy occur therein the judges of the court of common pleas of the county containing such city shall appoint a suitable person having the requisite qualifications, to fill said vacancy until the next annual municipal election; and if the vacancy extend beyond said election, then there shall be elected at said election a judge and justice to serve during the remainder of said vacancy.

Sec. 621—2. The common council in each of said cities shall immediately after the passage of this act, provide a suitable court-room for the accommodation of each of said judges and justices of the peace of the city and justice court, and a private room thereof for their use, and also an office for the clerk hereinafter mentioned, also one jury room; all of which offices and rooms shall be contiguous to each other; and the said common council shall further provide the necessary dockets, books, including the Revised Statutes of Ohio, blanks, stationery, furniture and fuel for the use of said judges and justices and clerk. If in any such city there is situated a county court-house, and the rooms and offices above mentioned can be obtained therein at a reasonable rental, said location shall be given the preference by said council and said court shall be located therein.

Sec. 621—3. Each of said judges and justices of the peace shall be entitled to receive from the treasury of said city an annual salary of eighteen hundred (\$1,800) dollars, payable in monthly installments, on the certificate of the city clerk of said city; but no such certificate shall be granted by said clerk until the judge or justice of the peace asking for the same has made and filed with said clerk his affidavit setting forth the number of days he has been in actual attendance at his court-room, ready for business, during the period for which the certificate is intended to cover, the number of days lost time, and the dates on which the same were lost, and the aggregate lost time in the year up to the time of making of said affidavit; and for such time only as he has been in actual attendance at his court room ready for business shall he be allowed in such certificate, and if it appear by such affidavit that his non-attendance was occasioned by illness, or that the total amount of lost time and non-attendance in any one year is less than sixty days, he shall be chargeable with no lost time therefor, and if it exceeds said sixty days he shall be chargeable only as to said excess. Each of said judges and justices shall have his court room open, and he shall be in attendance to the duties of his office therein at least from nine o'clock in the morning until twelve o'clock noon, and from two o'clock until five thirty o'clock in the afternoon, and the clerk's office shall be open continuously from nine o'clock in the morning until six o'clock in the afternoon of each day, except all legal holidays. After the municipal election in the year nineteen hundred and one, when there shall be but two judges and justices of the peace of said city and justice courts, they shall each receive a salary of two thousand (\$2,000) dollars per annum, payable in the manner hereinbefore stated.

Compensation.

Office hours of judges and justices.

Sec. 621—4. In each of said cities there shall be one clerk for said judges and justices of the peace, to be known as the clerk of the city and justice court for said city and townships, and his term of office shall be two years, dating from the first day of May, in the year 1898, and his successor shall be elected for the term of two years at the annual municipal election in the year 1900, and every two years thereafter, and said clerk shall hold his office until his successor is elected and qualified. Provided, however, that the first clerk of said court shall be appointed by the common council of said city forthwith, on the making and filing with them within thirty days from the passage of this act, the written recommendation of said judges and justices of the peace holding office, of a person therein named to be said clerk, but if for any reason such recommendation be not made and filed within said thirty days, then the said common council shall make said appointment on their own motion, and his term shall be the same as if said recommendation had been made, and said first clerk shall also fill out any interval between the date of his appointment

Clerk; term and election.

First clerk.

Vacancies in
office of clerk.

Compensation.

Deputy clerks;
appointment;
powers; sal-
aries; bond.

Duties of clerk.

and the first day of May, 1898. If any vacancy occur in the office of clerk by death, removal, resignation, or otherwise, said vacancy shall be filled until the next annual municipal election in the manner provided for selecting the first clerk of said court, at which municipal election a successor shall be elected to fill the vacancy if there then is a part of an unexpired term to be filled. The clerk of said court shall receive an annual salary of one thousand (\$1,000) dollars, payable in monthly installments from the treasury of said city; and he shall also receive as compensation for his services five per centum of all fees collected and paid over by him to said city, to be retained and deducted by him from the money before paying it over, but the said common council may at any time revoke the appointment of said clerk by it made, for cause, on the written recommendation of said judges and justices of the peace. The said clerk shall have the power to appoint one or more deputies, not exceeding two, when the necessity therefor shall be certified to by the said judges and justices, and may revoke such appointment at pleasure, which appointment and revocation shall be operative from the time of the filing of the certificate thereof with said common council. Such deputies shall be authorized to administer oaths and perform generally the duties of said clerk, and they shall receive as compensation such salaries, payable monthly, from the treasury of said city as the said common council of said city may determine, not exceeding the sum of six hundred (\$600) dollars per annum. The said clerk may require of each of said deputies a good and sufficient bond, with such surety or sureties in such amount and with [such] conditions as he may think proper. It shall be the duty of said clerk to keep a true and complete record of said city and justice court, and of the proceedings therein of each of said judges and justices of the peace, and enter all judgments in the docket of the judge and justice rendering the same, in the time and manner provided by law, but after such entry, each judgment shall be signed by the judge and justice by whom it was rendered. The said clerk shall also file and safely keep all papers and books belonging to or appertaining to said courts, and enter in a book provided for that purpose, a list of the names of all jurors that sit on the trial of cases before the said judges and justices, with the names arranged in alphabetical order, together with the date or dates that each juror so sat, with a reference to the page of the docket where the proceedings of the trial are entered; he shall also make all writs returnable to said court, and upon the return day thereof assign said cause before said judges and justices in regular rotation; and if, upon the return or adjourned day of any cause, the judge or justice before whom said case is assigned therein, should be absent at the time to which the same was assigned or adjourned, the next judge and justice shall have the same jurisdiction to proceed therein as though

it had originally been assigned before him. The clerk shall also receive all costs, fines and dues of every description, which are provided by law, in all proceedings in said city and justice courts, and shall pay the same weekly to the treasurer of said city, and take his receipt therefor. He shall keep a book showing all receipts and disbursements, which shall be open to public inspection at all times, and make a report of all receipts and disbursements to the city auditor on the first and third Mondays of each month, for the intervening period. He shall have power generally to administer oaths and take affidavits, and before entering upon the duties of his office he shall make and file in the office of the clerk of said city, a bond in the penal sum of five thousand dollars (\$5,000), with two or more sufficient sureties, to be approved by the common council, conditioned that the said clerk shall weekly, well and truly pay to the said city treasurer, all moneys received by him as said clerk, for the use of said city, and otherwise fully and faithfully discharge all the duties of said office.

Disposition of costs, fines and dues.

Bond.

Sec. 621—5. Before any civil action or proceeding shall be commenced in said city and justice court, there shall be paid to the clerk, by the party bringing the same, the sum of one (\$1) dollar, and before the trial of any such action shall be commenced the further sum of one (\$1) dollar, but in cases of non-suit no trial fee shall be required, and proceedings in garnishment shall be treated as part of the principal case, and no additional fee shall be charged therefor up to and including the entry of judgment therein. If any person shall satisfy one of said judges or justices by affidavit, that he has a good, meritorious cause of action for personal services against another, within the jurisdiction of said court, and that he has made a personal demand of payment therefor of the debtor, and that such payment has been refused, and shall therein also state the name and residence of the debtor, and the amount due over and above all legal set-offs, the judge and justice before whom such affidavit is presented may, at his discretion endorse on such affidavit directions to said clerk to cause to be issued the proper writ in the case before one or the other of said judges or justices without requiring the charge for court fees for the commencement or trial of such cause to be paid in advance. If plaintiff, in any case, recover judgment, he shall be entitled to have taxed as part of his costs, an attorney fee of five (\$5) dollars, the fees herein provided and the constable and witness fees allowed by law. If any defendant obtain judgment in such cause the said fees shall in like manner and for like purpose be taxed against the plaintiff, and in favor of said defendant. If any party demand a jury in such action in said court he shall advance the fees therefor, and the same shall be disposed of by said clerk as is now provided by the general statutes of the state governing justices' courts. The money so paid to said clerk of the city and justice court shall be for the use

Fees to be paid before commencing action and trial.

When fees not required to be paid.

Fees to be taxed in costs.

Party demanding jury to advance fees.

of the said city, and shall be held to be in full for all city and justice court fees in civil actions, except that if any party to such action desires to take said case to a higher court, as provided by law, he shall first pay to the clerk of said court the further sum of two (\$2) dollars, which shall be in full for making out the necessary transcripts, papers, etc., to take said case to said higher court, and a like fee shall be paid in the same manner for a transcript for a lien, and he shall pay all the costs accrued to date, and said clerk shall not deliver up said papers until said fee and costs are paid. The sum or sums so paid shall be taxed as costs of suit in favor of the party paying the same, if he be the prevailing party in the suit, in addition to any other costs to which he may be entitled by law. In criminal cases the same costs shall be paid, and in the same manner as in such proceedings before justices of the peace in townships, except that the same shall be paid to the said clerk, as in civil cases is provided.

Costs in criminal cases.

Certain fees of justices and constables unaffected by act.

Sec. 621—6. This act shall in no way affect the fees to which justices of the peace may be entitled on the performance of marriage ceremonies, taking acknowledgements and administering oaths in matters not connected with any litigation in said city and justice court; nor shall it affect the fees to which constables are entitled, or the present method of paying them.

Seal of clerk of city and justice court.

Sec. 621—7. The clerk of said city and justice court mentioned in supplemental section 621—4 of the Revised Statutes of Ohio, shall have a seal, which shall have engraved thereon the coat of arms of the state, as described in section 15 of the Revised Statutes of the state, and shall be one and three-fourths inches in diameter, and shall be surrounded by these words: "The city and justice court of the city of ———, and township of ———, in the county of ——— and state of Ohio," (insert the name of the proper city, townships and county,) but shall not have any other words or devices engraved thereon. Said clerk shall sign all writs, process, papers, etc., issuing out of said court, and attach the seal of said court thereto, and when so signed and sealed it shall have the same force and effect as the signing of the same by a justice of the peace has heretofore had, except as hereinafter provided; provided, however, that bills of exceptions must in addition thereto be allowed and signed by the judge and justice of the peace of said city and justice court in the same manner in which they have heretofore been allowed and signed by a justice of the peace.

Clerk to sign all writs, process, papers, etc.; effect.

Bills of exceptions.

The summons.

Sec. 6475. Except as herein otherwise provided, the style of the summons shall be "The state of Ohio, ——— county," it shall be dated the day it is issued, signed by the justice issuing the same, directed to the constable of the proper township (except in case a person be deputed to serve it, in which case it shall be directed to such person), must contain the name or names of the defendant or

defendants, if known; if unknown, a description of him or them, and command the officer or person serving the same to summon the defendant or defendants to appear before such justice, at his office in ——— township, at a time specified therein, and must describe the plaintiff's cause of action in such general terms as to apprise the defendant of the nature of the claim against him; and there shall be endorsed on the writ the amount for which the plaintiff will take judgment if the defendant fail to appear; if the defendant fail to appear judgment shall not be rendered for a larger amount and the costs. Provided, however, that in city and justice courts in cities of the third grade of the first class, the judges of the city and justice court being justices of the peace, the summons shall be issued and signed by the clerk of said city and justice court, and be under the seal of the court from which it is issued; its style shall be "The state of Ohio, ——— county," it shall be dated the day it is issued, signed by the clerk of the court issuing the same, directed to the constable of the proper township, must contain the name or names of the defendant or defendants, if known; if unknown, a description of him or them, and command the officer or person serving the same to summon the defendant or defendants to appear at the city and justice court of said city and townships therein, in the city of ———, ——— township, at a time specified therein, and must describe the plaintiff's cause of action in such general terms as to apprise the defendant of the nature of the claim against him; and there shall be endorsed on the writ the amount for which the plaintiff will take judgment if the defendant fail to appear; if the defendant fail to appear, judgment shall not be rendered for a larger amount and the costs.

Sec. 6482. The parties are entitled to one hour in which to appear after the time mentioned in the summons for appearance, but are not bound to remain longer than that time, unless both parties have appeared and the justice, being present, is engaged in the trial of another cause; in such case the justice may postpone the time of appearance until the close of such trial; provided, however, that in the city and justice court in all cities of the third grade of the first class, and township or townships therein, in which the judges thereof are also justices of the peace, the one hour delay above mentioned will not be allowed, but the parties shall appear at the time mentioned in the summons.

When parties
must appear.

Sec. 6549. The justice shall write in a panel the names of eighteen persons, citizens of the township, or, if the action be one in which the jurisdiction is not limited to the township, then citizens of the county, from which the defendant, his agent or attorney, shall strike one name, the plaintiff, his agent or attorney, one, and so alternately until each shall have stricken six names, and the remaining six shall constitute the jury to try such case, and if either party neglect or refuse to aid in striking the jury as aforesaid,

How juries
made up.

the justice shall strike the same in behalf of such party; provided, however, that this section shall not apply to the selection of juries in cities of the third grade of the first class, or to the township or townships therein; but the same shall be selected in such city of the third grade of the first class, and the township or townships therein, in the manner provided for in supplemental sections No. 6549—1, 6549—2, 6549—3, 6549—4, 6549—5.

How juries
made up in
Toledo.

Sec. 6549—1. In cities of the third grade of the first class, and in the township or townships therein, the juries in the city and justice courts therein shall not be made up or selected as provided in section 6549 of the Revised Statutes of Ohio, but the following method shall be pursued and followed: The common council of each of said cities of the third grade of the first class shall provide and place in the custody of the clerk of the court of common pleas of the county containing said city a wheel, so constructed and arranged that by turning the same the pieces of paper hereinafter mentioned may be thoroughly mixed, and so that the names upon such pieces of paper cannot be read or seen until withdrawn from such wheel.

Commissioners
of jurors in
Lucas county;
appointment;
terms.

Sec. 6549—2. In any county containing a city of the third grade of the first class before the second Monday of May of each year the judges of the court of common pleas shall appoint four freehold electors of said county, no one of whom shall be an attorney at law, and not more than two of whom shall be of the same political party, who shall be commissioners of jurors for such city and township or townships for one year from the date of their appointment and until their successors are appointed and qualified, and record of such appointment shall be made upon the journal of said court. Said commissioners shall, before entering upon the discharge of their duties, appear in said court of common pleas and take an oath of office as follows: "I do solemnly swear (or affirm) that I will honestly and faithfully discharge the duties of commissioner of jurors without fear or favor, and that I will consent to the selection of no person as juror whom I have been solicited to name as a juror, or whom I believe to be unfit for that position, or likely to render a partial verdict in any cause in which he may be called as a juror, and this I do as I shall answer to God" (or "and this I do under the pains and penalties of perjury"). On the second Monday of the months of May and November in each year such commissioners shall meet in the office of the clerk having the custody of said wheel at ten o'clock in the forenoon, and shall then and there select such number of judicious and discreet persons having the qualifications of electors of such city and townships, as the court may direct, to be selected as nearly as may be, from the several wards in said city, and from the townships therein, in proportion to their respective population, and no person shall be so selected who shall not be, in the judgment of all of said commissioners, compe-

Oath.

Semi-annual
meetings for
selection of
list of eligible
jurors.

tent in every respect to serve as a juror; that after said commissioners shall have first ascertained that said wheel is entirely empty, the names of the persons so selected shall be written by the county clerk on separate pieces of paper, which shall be put into said wheel and securely locked therein in the presence of said commissioners. And the said commissioners shall at the same time make and sign a certificate containing all of said names, which they shall certify to be the names of the persons selected at the time aforesaid to serve as jurors for the ensuing six months, and that they are the same names as those placed in the wheel, which said certificate shall be filed with said clerk. Said wheel shall be securely locked at all times except when, by order of the court, it shall be necessary to put names into it and to draw them from it in the manner herein provided; and said county clerk shall be the custodian of said wheel and key, and if any person shall unlock or open said wheel, except by order of court, he shall be deemed guilty of a misdemeanor and shall, on conviction thereof, be fined not less than five hundred (\$500) dollars nor more than one thousand (\$1,000) dollars, and be imprisoned in the county jail not more than one year nor less than three months. If either of the commissioners or the officers mentioned in this section of this act shall be sick or absent from the county, the judges of the court of common pleas may appoint some judicious and disinterested person to take the place of said commissioner or officer in making the selection herein provided for; and the person so appointed shall be of the same political party as the commissioner or officer whose place is to be filled. Whenever it shall become necessary said commissioners shall meet at such time and place as the court of common pleas may appoint, and shall there select such additional number of the persons as the court may, by its orders, direct, and the names so selected shall be selected, written and deposited in said wheel and certified to as hereinbefore specified.

Names to be deposited in wheel.

Certificate to be executed by commissioners.

County clerk custodian of wheel; penalty for opening of wheel by unauthorized person.

Sick or absent commissioner; how place filled.

Necessary meetings.

Sec. 6549—3. That said commissioners shall receive for their services herein three (\$3) dollars for each day employed, to be paid by said city on the order of its city clerk; provided, that they shall not be paid for more than ten days time in any year.

Compensation.

Sec. 6549—4. Whoever attempts by request, hint or suggestion, to influence such commissioners, or any of them, to select or not to select himself, or any other person or persons as aforesaid, shall be fined not more than two hundred (\$200) dollars or imprisoned in the county jail not more than twenty days, or both.

Penalty for attempting to influence selection of jurors.

Sec. 6549—5. Whenever the clerk of any county shall be directed by the order of any city and justice court, in a city of the third grade, first class, and in the township or townships therein, or any judge or justice of the peace thereof to cause any number of persons to serve as jurors

Drawing juries.

County of service
of court

Persons not en-
titled to jury
fee unless sworn.

Summoning
jurors

Agreement by
parties to suit
as to jury.

At the court, he shall at once, in the presence of the sheriff, the court of common pleas, or a judge thereof, proceed to turn the wheel until said pieces of paper are thoroughly mixed, and shall then draw therefrom the number of names specified in such order, and as said names are drawn from said wheel shall write them down in the order in which they are drawn, and number them, the first name drawn shall be number one, the second name drawn shall be number two, and so on to the end, and shall forthwith, unless otherwise directed by said court or judge, certify the names of the persons so drawn to the clerk of the city and justice court, preserving the same order and arrangement above specified, and the persons so selected shall be summoned to appear to serve as jurors in said city and justice court at such times as may be directed by a judge and justice of the peace thereof, in the same manner that jurors are now summoned in justice courts before a justice of the peace, except the venire and summons shall be issued and signed by the clerk of said city and justice court and shall have attached thereto the seal of said court; provided, however, no person shall be compelled to serve as a juror in said court more than six times in any one year; nor shall a person called but not sworn as a juror be entitled to a jury fee, except that he shall be entitled to the sum of twenty-five cents therefor, which shall be in full for his services, to be taxed as a part of the costs against the losing party. The clerk of said city and justice court, in summoning any number of jurors for the trial of causes in said court, shall commence at the top of said list at number one, and continue down the list in their order, to the bottom thereof, and if only a part of the list is exhausted for the trial of one cause, he shall, as to the trial of the next cause, commence where he left off at the preceding one, and so continue in this order in each cause until he reaches the bottom of the list, when he shall immediately commence at the top of the list and proceed in the same manner as before, and so continue in all causes, and if at the trial of said cause there are one or two jurors absent, but not more, and there are in attendance at said court persons whose names are on said list of jurors drawn from the wheel, said clerk may call them, if the parties to said action do not object, to sit as jurors in the trial of said cause, although their names may not be the next names to be called on said list, and they shall be subject to [the] usual challenges; provided, however, that the parties to said action may, in writing, stipulate and agree, before the jurors are summoned, that any six names, setting them forth, mentioned in said list of names drawn from said wheel, and which six names stand together, in numerical order on said list, shall constitute the jury for the trial of said cause, and that no challenges thereto shall be allowed, and when said agreement is filed with said clerk, said clerk shall summon said persons, so chosen, to appear as jurors in said cause, and they shall constitute the jury for the trial thereof, but no

person shall serve as juror in said court in any cause unless his name has been regularly drawn from said wheel, and is on the list for service as a juror in said court.

Sec. 6564. Upon the verdict being delivered to the justice and before judgment rendered thereon, each juror shall be entitled to receive seventy-five cents per day for each day's service as such juror, at the hands of the successful party, which shall be taxed in the costs against his adversary; when the jury shall not be able to agree upon a verdict, the same compensation shall be paid them by the party calling the jury, and the same shall be taxed in the cost bill against the losing party, except as hereinafter provided; provided, however, that in all cities of the third grade of the first class, and in the township or townships therein having a city and justice court, the judges of which are justices of the peace, each juror shall be entitled to receive one dollar and fifty cents per day for each day's service as such juror, but no juror shall be paid a jury fee [for] mere attendance at said court, but he must have been sworn and actually sat as a juror in the trial of a cause on the days for which he is allowed compensation, and a person who is summoned as a juror but not sworn shall be entitled to twenty-five cents, which shall be in full for his services, and shall be taxed up as a part of the costs against the losing party.

Jury fees, and
how paid.

Jury fees in
Toledo.

SECTION 2. That the original sections 621, 6475, 6482, 6549 and 6564 of the Revised Statutes of Ohio be and the same are hereby repealed, and all acts or parts of acts, inconsistent with the provisions of this act, in so far as they relate to cities of the third grade of the first class and the township or townships therein, and to the extent of said inconsistency only, be and the same are hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 25, 1898.

239G

[Senate Bill No. 320.]

AN ACT

To amend section 5189¹ of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 5189¹ be amended to read as follows:

Summoning
jury, etc.:

Sec. 5189¹. Active members of fire engine companies, hook and ladder companies, or other companies for the extinguishment of fires during the time they may continue

Who exempt
from serving
on juries.

such active members; active members of all military companies and batteries, and all clergymen and priests, physicians, attorneys at law and all public officers while in office shall be exempt from serving on juries.

Repeals, etc.

SECTION 2. That section 5189/ be and the same is hereby repealed, and this act shall take effect from and after September 1, 1898.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 25, 1898.

240G

[House Bill No. 416.]

AN ACT

To amend section 3 of an act entitled "An act to protect persons and property from danger at grade-crossings of one railroad over another, or from swing or draw-bridges, and at junction points, by providing for safety devices thereat," passed and took effect April 27, 1896 (92 O. L., pages 315-7).

Railroad companies:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3 of the act entitled "An act to protect persons and property from danger at grade-crossings of one railroad over another, or from swing or draw-bridge, and at junction points, by providing for safety devices thereat," passed and took effect April 27, 1896 (92 O. L., pages 315-7), be amended so as to read as follows:

Compulsory interlocking.

Sec. 3. In case, however, one railroad company or an electric railroad company shall hereafter seek to cross at grade with its track, or tracks, the track, or tracks, of another railroad, the railroad company, or the electric railroad company, seeking to cross at grade shall be compelled to provide interlocking or other safety devices put in to the satisfaction of the said commissioner of railroads to protect such crossing, and to pay all costs of such appliance, together with the expense of putting them in. The future maintenance and operation thereof shall be equally apportioned between the two or more roads by the said commissioner of railroads and telegraphs; provided this act shall not apply to crossings of side tracks only.

Repeals, etc.

SECTION 2. Said original section 3 is hereby repealed, and this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 25, 1898.

241G

[Senate Bill No. 415.]

AN ACT

To amend section 3686 as amended April 15, 1889 (86 O. L., 377), of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3686, as amended April 15, 1889 (86 O. L., 377), of the Revised Statutes be amended so as to read as follows:

Insurance companies other than life:

Sec. 3686. Any number of persons of lawful age, residents of this state, or residents of an adjoining state and owning insurable property in this state, not less than ten in number, may associate themselves together for the purpose of insuring each other against loss by fire and lightning, cyclones, tornadoes or wind-storms on property in this state; and may make, assess and collect upon and from each other such sums of money, from time to time, as may be necessary to pay losses which occur by fire and lightning, cyclones, tornadoes or wind-storms to any members of such association, and the assessment and collection of such sums of money shall be regulated by the constitution and by-laws of the association. An association formed for the purpose of insuring against loss by fire and lightning, cyclones, tornadoes or wind-storms may insure farm buildings, detached dwellings, school houses, churches, township buildings, grange buildings, farm implements, farm products, household goods and furniture in such buildings, and other property not classed as extra hazardous.

Mutual fire associations, etc.

SECTION 2. Section 3686, as amended April 15, 1889 (86 O. L., 377), of the Revised Statutes of Ohio is hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 25, 1898.

242G

[Senate Bill No. 403.]

AN ACT

Authorizing the governor of Ohio to call the first regiment of infantry, Ohio national guard, into service for ten days during the 32d G. A. R. encampment in Cincinnati.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the governor of the state shall order the first regiment of infantry, Ohio national guard, out for ten days' active service from September 2, 1898, for duty as a military guard at the several camps, as a guard of honor at the general headquarters of the grand army of the republic encampment in Cincinnati, September

Governor directed to order first regiment, Ohio national guard, on duty as military guard at headquarters of grand army

of republic at
Cincinnati.

5 to 10, and for such parade and escort duty as may from time to time be required by the executive director of the citizens' committee.

Appropriation.

SECTION 2. That the sum of \$6,000 be and the same hereby is appropriated out of the general revenue fund of the state not otherwise appropriated, for the payment of the officers and enlisted men of the first regiment of infantry, and for their subsistence during the ten days of active service. That the service provided for in this act shall be in lieu of the annual encampment of the said first regiment of infantry.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 25, 1898.

243G

[Senate Bill No. 484.]

AN ACT

To supplement section 2 of an act passed May 12, 1886, entitled "An act to authorize the construction of lines for conducting electricity for light and power purposes and the contracting by municipalities for lighting streets and other public places with electricity," as amended April 22, 1896.

Electric light
and power
companies:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2 of an act passed May 12, 1886, entitled "An act to authorize the construction of lines for conducting electricity for light and power purposes and the contracting by municipalities for lighting streets and other public places with electricity," as amended April 22, 1896, be supplemented as follows:

Contracts with
municipalities
for furnishing
light and
water; lease.

Sec. 2. The municipal authorities of any village in which any electric light or waterworks company is organized may contract with any such company for lighting the streets, alleys, lands, lanes, squares and public places in such village, or for furnishing water to such municipalities, or for the leasing of the electric plant and equipment, or the waterworks plant or both of such companies therein situated, for a period not exceeding fifteen years; and the provisions of section 2702 and section 2699 of the Revised Statutes shall not apply to such contract.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 25, 1898.

244G

[House Bill No. 427.]

AN ACT

To amend section 3821*f* of the Revised Statutes of Ohio, as passed March 13, 1896, relating to safe deposit and trust companies (O. L., vol. 92, page 62).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3821*f* of the Revised Statutes of Ohio, as passed March 13, 1896 (O. L., vol. 92, p. 62), be amended so as to read as follows:

Savings and
loan associa-
tions:

Sec. 3821*f*. The provisions of sections 3821*c*, 3821*d* and 3821*e* relating to the power of the probate judge to appoint any such company to act as executor, administrator, assignee, guardian, receiver or trustee, shall apply to probate courts in counties containing a city of the first, second or third grade of the first class, or a city of the first, or third grades of the second class, and in all counties containing a city, which by the last preceding federal census had a population of 33,000 or more, except cities of the second grade of the second class.

Provisions ap-
plicable to
probate courts
in certain
counties.

SECTION 2. That said section 3821*f*, as passed March 13, 1896, be and the same is hereby repealed; and this act shall take effect on its passage.

Repeals, etc.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
245G

Passed April 25, 1898.

[Senate Bill No. 430.]

AN ACT

Making appropriation for normal and industrial department at the Wilberforce University.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and hereby is appropriated from any money raised or coming into the state treasury to the credit of the normal and industrial department of the Wilberforce university fund, not otherwise appropriated, for the year ending February 15, 1899, for payment on the purchase of land, the sum of one thousand (\$1,000) dollars. And for the year ending February 15, 1900, for payment on the purchase of land two thousand (\$2,000) dollars.

Appropriations
for purchase of
land for Wilber-
force university.

SECTION 2. This act shall take effect and be in force on its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
246G

Passed April 26, 1898.

[Senate Bill No. 440.]

AN ACT

To amend sections 2712, 2717, 2718, 2720, 2722, as amended April 16, 1882; 2723, as amended February 6, 1883, and 2728 of the Revised Statutes of Ohio.

Sinking fund: SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 2712, 2717, 2718, 2722, as amended April 16, 1882; 2723, as amended February 6, 1883, and 2728 of the Revised Statutes of the state of Ohio be amended so as to read as follows:

Tax for creating a sinking fund. Sec. 2712. For the purpose of creating a sinking fund for the gradual extinguishment of the bonds and funded debt of a municipal corporation, the council may, annually, until payment of the bonds and funded debt be fully provided for, levy and collect, in addition to the other taxes of the corporation, a tax which shall not be less than one mill, nor exceeding three mills, upon the taxable property in the corporation, which taxes shall be paid into the treasury, and applied, by order of the council, or if there be a board of sinking fund trustees in such corporation, by the order of said trustees, to the extinguishment of the bonds and funded debt, and to no other purpose whatever.

Organization of board. Sec. 2717. The trustees shall, immediately after their appointment and qualification, organize by appointing one of their number as president, another as vice-president who shall in the absence or disability of the president perform his duties and exercise his powers, and unless otherwise specially provided by law the auditor of the city shall act as secretary until a clerk of such board shall have been appointed who shall act as secretary; and the office of the board shall be in some place to be provided by the council, unless by a vote of the board some other place be provided by them without expense to the city.

Meetings; record of proceedings. Sec. 2718. Regular meetings shall be held in each year and at such time as the board may determine; but meetings may be called by the president, or any three members of the board; the proceedings shall be recorded in a journal kept for that purpose, which shall, at all times, be open to the public; and all questions relating to the purchase or sale of securities, payment of bonds or interest or involving the payment or appropriation of money, shall be decided by a viva voce vote, with the names of each member voting recorded on the journal, and no question shall be decided unless [approved] by a majority of the whole board.

Auditor's report to trustees. Sec. 2720. The city auditor shall, upon the demand of the board, report to it balances belonging to the city, to the credit of the sinking fund, interest account, or for any bonds issued for or by the city; and all officers or persons having the same shall immediately pay the same over

to the trustees of the sinking fund, who shall deposit them in such place as a majority of such board shall select; provided, that in cities of the first grade of the second class, all such balances shall remain in the city treasury to the credit of the sinking fund and shall be drawn out as provided in section 2724; and the city treasurer of such cities shall give bond to the state of Ohio in the sum of fifty thousand dollars for the faithful performance of his duties, as the custodian of such funds.

Columbus.

Bond of city treasurer.

Sec. 2722. The trustees of the sinking fund shall invest all moneys received by them in bonds of the United States, state of Ohio, city of Cincinnati, city of Toledo, or city of Columbus, and in cities of the first grade of the first class they shall give preference to the bonds of said city of Cincinnati, and in cities of the third grade of the first class they shall give preference to the bonds of said city of Toledo, and in cities of the first grade of the second class they shall give preference to the bonds of said city of Columbus, when they can be purchased at a price equal to or less than the bonds of the United States, or of the state of Ohio, taking into consideration the rate of interest paid on each; all interest received by them shall be reinvested in a like manner; at no time shall there be over ten thousand dollars kept upon deposit, if investment can be made, and in cities of the first grade of the first class all bonds of the city of Cincinnati, and in cities of the third grade of the first class all bonds of the city of Toledo, and in cities of the first grade of the second class bonds of the city of Columbus, now in possession of the trustees, or those hereafter purchased by them, excepting to the amount of seventy-five thousand dollars, shall have written, stamped or printed conspicuously across the face thereof, and on each coupon thereof the following words: "Payable only to the order of the trustees of the sinking fund."

How funds to be invested.

Sec. 2723. The trustees shall provide for the payment of all interest on the city bonded debt, of all judgments final against the city, except in condemnation of property cases, of all rents on perpetual leaseholds of the city not payable from special funds, and for bonds falling due, and for any of these purposes only, may sell or use any of the securities or money in their possession.

Payment of bonds, interest, etc.

Sec. 2728. The trustees may, and upon the written application of five freeholders or taxpayers of the city shall investigate into all transactions involving or affecting the sinking fund in any branch or department of the city government or any agency, depository or trusteeship thereof; and they may send for persons and papers, issue subpoenas, and enforce the attendance of witnesses, and examine the same under oath, and, if in the course of such investigation, the testimony of any witness whose personal attendance can not be procured be desired, his deposition may be taken and used in the investigation. They may employ, at a fair compensation, competent accountants to examine any

Power of trustees to make investigations, etc.

books, papers, contracts, or other writings connected with any investigation. They shall report the result of all investigations to the mayor and city solicitor, and take such other action as they deem proper to protect the interest of the city. Witnesses, constables and other officers in attendance at the investigations, conducted under the provisions of this section, shall be entitled to the fees and mileage prescribed by law for similar services; and all costs incurred under the provisions of this section shall be paid out of the sinking fund, and be reimbursed to the sinking fund out of the general fund of the city not otherwise appropriated.

Repeals.

SECTION 2. That sections 2712, 2717, 2718, 2720, 2722, as amended April 16, 1882, 2723, as amended February 6, 1883, and 2728 of the Revised Statutes, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives

ASAHEL W. JONES,
President of the Senate

Passed April 26, 1898.

247G

[Senate Bill No. 438.]

AN ACT

To amend section 2709 of the Revised Statutes of Ohio, as amended May 21, 1894 (vol. 91, O. L., page 383).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2709 of the Revised Statutes of Ohio, as amended May 21, 1894, be so amended as to read as follows:

Sec 2709. Whenever any municipal corporation issues its bonds, it shall first offer them at par and accrued interest to the trustees or commissioners, in their official capacity of the sinking fund, or, in case there are no such trustees or commissioners, to the officer or officers of such corporation having charge of its debts, in their official capacity, and only after their refusal to take all or any of such bonds at par and interest, bona fide for and to be held for the benefit of such corporation, sinking fund or debt, shall such bonds, or as many of them as remain, be advertised for public sale. In no case shall the bonds of the corporation be sold for less than their par value; nor shall such bonds, when so held for the benefit of such sinking fund or debt, be sold, except when necessary to meet the requirements of such fund or debt. All sales of bonds, other than to the sinking fund, by any municipal corporation, shall be to the highest and best bidder, after thirty days' notice at least two newspapers of general circulation in the county.

Power to borrow money, etc.:

Municipal bonds to be first offered to sinking fund trustees.

Not to be sold for less than par value.

To be sold to highest bidder after notice by publication.

where such municipal corporation is situated, setting forth the nature, amount, rate of interest and length of time the bonds have to run, with time and place of sale. Additional notice may be published outside of such county by order of the corporation council; provided, however, when any such bonds have been once so advertised and offered for public sale, and the same, or any part thereof, remain unsold, then said bonds, or as many as remain unsold, may be sold at private sale at not less than their par value, under the direction of the mayor and the officers and agents of the corporation by whom said bonds have been, or shall be prepared, advertised and offered at public sale; provided further, that when it shall appear to the trustees or council of any municipal corporation to be for the best interests of such corporation to renew or refund any bonded indebtedness of such corporation which shall not have matured, and thereby reduce the rate of interest thereon, such trustees or council shall have authority to issue for that purpose new bonds, with semi-annual interest coupons attached, and to exchange the same with the holder or holders of such outstanding bonds, if such holder or holders shall consent to make such exchange and to such reduction of interest, but the rate per annum of interest on any such new bonds thus issued in exchange by any city of the first class, or by any city of the first or second grade of the second class, shall not exceed four and one-half (4½) per cent., and by any other city shall not exceed five (5) per cent., and by other municipalities shall not exceed five and one-half (5½) per cent.; such new bonds shall not in any case be so issued in an amount in excess of such outstanding bonded indebtedness so to be renewed or refunded, and may be in such denominations and payable at such time or times and at such place as may be determined by such trustees or council.

When may be sold at private sale.

Refunding of corporate indebtedness.

Rates of interest.

SECTION 2. That said section 2709 of the Revised Statutes of Ohio, as heretofore amended, be, and the same is hereby repealed; and this act shall take effect on its passage.

Repeals, etc.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed April 26, 1898.

248G

[Senate Bill No. 436.]

AN ACT

To amend section 6946 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 6946 of the Revised Statutes of Ohio be so amended as to read as follows:

Offenses against public policy:

Prohibiting
sale of intox-
icating liquors
or keeping of
houses of ill-
fame at certain
places.

Abatement as
nuisance.

Repeals.

Sec. 6946. Whoever sells intoxicating liquors or keeps a house of ill-fame at or within twelve hundred yards of the administration or main central building of the Columbus state hospital, Dayton state hospital, Athens state hospital, Toledo state hospital, soldiers' and sailors' orphans' home, or any other orphans' home in this state, except in cities of the first class, or within two miles of the boundary line of the boys' industrial school, south of Lancaster, Fairfield county, or within two miles of the place where any agricultural fair is being held, or within one mile of any county children's home of any county of the state, situated within one mile of any incorporated village or city in which the sale of intoxicating liquors is prohibited by an ordinance of such village or city, made in pursuance of the act entitled "An act providing against the evils resulting from the traffic in intoxicating liquors," passed March 11, 1897, shall be fined not more than one hundred nor less than twenty-five dollars, or imprisoned not more than thirty days, or both, and on conviction of the owner or keeper thereof the place wherein such intoxicating liquors are sold, shall, by order of the court, be shut up and abated as a nuisance; but nothing in this section shall be so construed as to prevent a regular dealer in intoxicating liquors from doing business and selling the same, at his usual place of business within two miles of the place where any agricultural fair is being held.

SECTION 2. That section 6946 be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 26, 1898.

249G

[Senate Bill No. 467.]

AN ACT

To amend an act entitled "An act for the protection of railroad employees," as passed March 23, 1888 (O. L., vol. 85, page 105).

Railroad com-
panies:

Blocking of
railway frogs,
guard-rails, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That an act entitled "An act for the protection of railroad employees," passed March 23, 1888 (O. L., vol. 85, page 105), be amended so as to read as follows:

[Sec. 3365—18.] That every railroad corporation operating a railroad or part of a railroad in this state, shall on or before the first day of June, 1899, adjust, fill or block, all angles in frogs, switches and crossings on their roads in all yards, divisional and terminal stations where trains are made up, with the best known sheet steel spring guard or wrought

iron appliances approved by the commissioner of railroads and telegraphs.

SECTION 2. That said original act passed March 23, 1888 (O. L., vol. 85, page 105), is hereby repealed, and this act shall take effect and be in force from and after its passage. Repeals, etc.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed April 25, 1898.

250G

[Senate Bill No. 437.]

AN ACT

To provide for the incorporation and regulation of corporations, companies or associations transacting the business of life insurance on the stipulated premium plan as herein defined.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That five or more persons may, in the manner and according to the forms and requirements for the incorporation of insurance companies mentioned in sections 3588 and 3589 of the Revised Statutes and in this act, become an incorporated company for the purpose of making insurance upon the lives and health of individuals, and every insurance appertaining thereto or connected therewith, on the stipulated premium plan as defined and regulated herein.

Incorporation of
companies for
making life in-
surance on the
stipulated pre-
mium plan.

SECTION 2. No such corporation, company or association shall commence the business of life insurance until at least two hundred persons eligible under the proposed plan of the organization shall have subscribed in writing to be insured therein in the aggregate amount of at least five hundred thousand dollars, and shall have each paid or become obligated to pay the amount of one annual stipulated net premium for their age at entry on the amount of insurance severally subscribed for, and which shall be held in trust for the benefit of the members of said corporation or their beneficiaries; nor until the superintendent of insurance shall have further certified that it has complied with the provisions of this act and is authorized to transact the business of insurance. Provided, however, that every corporation incorporating or reincorporating under the provisions of this act, shall deposit with the superintendent of insurance in such securities as are required by law to be deposited by insurance companies, the sum of five thousand dollars within one year after the date of such incorporation or reincorporation, and such corporation shall each year thereafter, upon filing its annual statement, deposit in like securities with the superintendent of insurance, the sum of two thousand dollars on each million of insurance in force for

Completion of
organization.

Deposit of
securities to be
made with
superintendent.

the last calendar year, as shown by its said annual statement, until the sum of one hundred thousand dollars shall have been deposited. The securities deposited with the insurance department pursuant to this section shall be held by the superintendent in trust for the benefit and protection of and as security for the policy holders of such corporation, their legal representatives and beneficiaries.

Life insurance on stipulated premium plan defined; corporations subject to provisions of act; application of existing statutes.

SECTION 3. Any corporation, company or association which issues any policy, certificate or other evidence of interest to, or makes any promise or agreement with its members whereby any money or other benefit is to be paid to a member, or upon his decease to his legal representative or the beneficiary designated by him, which money or benefit is derived from stipulated premiums collected from its members, or members of a class therein, or from interest or accumulations, and wherein the money or other benefits so realized is applied to or accumulated for the use and purposes of such corporation as herein specified, and the expenses of its management and prosecutions of its business, shall be deemed to be engaged in the business of life insurance upon the stipulated premium plan, and shall be subject only to the provisions of this act, excepting that the provisions of chapter 8, title 3, part 1, and of chapter 10, title 2, part 2, of the Revised Statutes shall be applicable so far as the same are not inconsistent with the provisions of this act.

Existing corporations, companies, associations or societies may accept provisions of act; how.

SECTION 4. Any domestic corporation, company, association or society existing or doing business under the provisions of chapter 10, title 2, part 2, of the Revised Statutes, at the time this act takes effect, may, by a vote of a majority of its board of directors or trustees, and upon obtaining the consent of the superintendent of insurance thereto, in writing, accept the provisions of this act, and amend its articles of incorporation to conform with the same, so as to cover and enjoy any and all the provisions or privileges of this act, which might have been included and enjoyed, if it had been originally incorporated hereunder; and it shall file such amendment of its articles of incorporation and the consent required by this section, in the office of the secretary of state, and shall thereafter perpetually enjoy the same and be deemed to have been incorporated under this act. The reincorporating or qualifying of any existing domestic or foreign corporation under the provisions of this act shall in no way annul, modify or change any existing contract, contracts or liabilities of such existing corporation, and any and all such contracts and liabilities shall continue in full force and effect the same as though such corporation had not reincorporated or qualified under this act. Neither shall the reincorporating or qualifying of any such corporations under the provisions of this act, in any way prejudice, impede, or impair any pending action or proceeding, or any rights previously accrued.

Existing contract or liability of corporation not to be affected by its reincorporation or acceptance.

Pending actions or rights unaffected.

SECTION 5. Every such corporation, company or association doing business under the provisions of this act shall charge at least a net premium calculated upon the combined experience or actuaries' table of mortality, with interest at the rate of four per centum per annum, equal to that of a yearly term insurance at the age of entry. Such premium shall be increased by a loading of not less than twenty-five per centum, and may be paid annually, semi-annually, quarterly or bimonthly in advance.

Minimum premiums.

SECTION 6. Every such corporation, company or association shall accumulate and at all times maintain a reserve fund not less than the net premium, according to the term of premium payment of each policy, upon all its outstanding policies, which net premium shall equal the amount called for by the combined experience or actuaries' table of mortality at the attained age of the insured, computed as specified in section 5 of this act. If the amount of such reserve fund is at any time reduced to less than such net premium upon all its outstanding policies at the attained age of the insured, or to less than the reserve required by the terms and conditions thereof, such deficiency shall be made up and restored to said fund within three months thereafter. Should such impairment of the reserve fund not be made good within three months, then the superintendent of insurance shall require the officers of such corporation to forthwith notify its members to pay, within thirty days from the mailing of such notice, an extra premium sufficient to meet such deficiency apportioned equitably, and any such extra premium shall not be less than the difference between the actual net premium paid, and the net premium at attained age. If any member fails to pay such extra premium within the time named, the corporation shall scale down the policy of each and every member so failing to pay to such an amount as is necessary to make the reserve fund to his credit equal to said unearned premium on his insurance remaining in force, which amount shall be the maximum for which the corporation shall be liable under said policy. Said thirty days' notice shall clearly state the proportionate amount of the impairment due from the insured and shall contain the further statement that in the event of failure to pay the same within thirty days after the mailing of such notice, said policy will be scaled down as aforesaid.

Reserve fund to be maintained.

Impairment of fund to be remedied.

Duty of superintendent in case of failure to remedy impairment within prescribed time.

SECTION 7. Any corporation, company or association doing business under this act may issue limited payment policies; provided such policies hereafter issued distinctly state the portion of each of the premiums to be held by, and charged against such corporation for the purpose of sustaining such policies after expiration of the term of years in which the premiums are to [be] paid, which shall not be less than the legal reserve annually according to the actuaries or combined experience table of mortality with interest at 4 per cent. per annum and which portion at the expiration of such term of years, together with the

Limited payment policies.

interest accredited thereto, shall not then nor thereafter be less than the single net premium at the attained age, according to the actuaries or combined experience table of mortality, with interest at four per centum per annum; and if any such corporation doing business under this act shall not state in its limited payment policies the portion of each of the premiums to be held by it for the purpose of sustaining the insurance after the term of years during which the premiums are to be paid, or if any such corporation shall issue any form of investment policies, then such limited payment or other form of investment policies hereafter issued shall be valued on the basis of the actuaries' or combined experience table of mortality, and interest at four per centum per annum, as provided and contemplated in section 279 of the Revised Statutes.

Cash values.

SECTION 8. Any corporation, company or association authorized to do business hereunder, may pay fixed cash values, provided the amount of reserve computed and to be set apart for such cash value is plainly stated in the policy, and provided further that such cash value shall not be in excess of the portion of the premium with interest accretions thereon, collected for such purpose.

Distribution of surplus.

SECTION 9. If the cash and invested assets of the corporation, company or association, exceed the reserve fund required by this act, or under the terms and conditions of its policy contracts, and the actual liabilities of said corporation to an amount in excess of ten per centum of such reserve fund, then the amount of such excess may, if the policy contract so provides, be apportioned by the corporation as a dividend to members, in reduction of premiums, in the purchase of paid up or extended insurance, or may be drawn in cash; or such dividend or dividends may be paid to the beneficiary of a deceased member in addition to the face of the policy.

What policy shall set forth.

SECTION 10. Every policy hereafter issued by any corporation, company or association doing business under this act and promising any payment to be made upon a contingency provided for in this act, shall specify the sum of money which it promises to pay upon each contingency insured against, and the number of days after satisfactory proof of the happening of same on which such payment shall be made. Upon the occurrence of such contingency, unless the contract shall have been avoided by fraud or breach of its conditions, the corporation shall be obligated to the beneficiaries or insured for such payment at the time and to the maximum amount due under the policy. If the superintendent of insurance shall be satisfied, upon investigation, that any such corporation has refused or failed, after proper demand, to make such payment for sixty days after final judgment has been obtained upon such claim, he shall notify the corporation to issue no new policies until such indebtedness is fully paid; and no officer

Obligation of company to beneficiaries or insured.

Refusal or failure of company to make payment.

or agent of the corporation shall make, sign or issue any policy of insurance while such notice is in force.

SECTION 11. No corporation, company, association or society organized under the laws of any other state or territory of the United States or the district of Columbia or foreign country, shall transact business under the provisions of this act until it has received from the superintendent of insurance a certificate of authority to do business in this state, a duplicate of which shall be filed in his office. The superintendent shall annually issue to such foreign corporation, company, association or society, renewal certificates of authority to continue business, if it shall have fully complied with the provisions of this act, and if the superintendent shall be of the opinion that any such corporation, company, association or society is not entitled to a renewal of a certificate of authority, he may in his discretion cite the same to appear, giving reasons therefor, and show cause why the certificate of authority should not be renewed; and unless the certificate of authority shall be renewed within ten days after such hearing, such foreign corporation, company, association or society shall cease to do business in this state. The superintendent may refuse a certificate of authority or renewal of the same to any such foreign corporation, company, association or society, when such refusal will best promote the public interests. When any state, territory or foreign country shall impose any obligations upon any such corporation of this state, or their agents, transacting business in such other state, territory or foreign country, the like obligations are hereby imposed upon similar corporations of such other state, territory or foreign country, and their agents or representatives transacting business in this state; and such corporation, company, association or society of such other state, territory or foreign country, and its agents and representatives, shall pay all licenses, fees or penalties to and make deposits with the superintendent of insurance imposed by the laws of such other state, territory or foreign country upon any corporation of this state doing business therein; and in case of failure to pay the same, the superintendent shall refuse the certificate of authority herein provided for or cancel such certificate if one shall have been previously issued. No foreign corporation, company, association or society shall be authorized to transact any business authorized by this act within this state, unless it furnishes evidence satisfactory to the superintendent of insurance that it has a reserve fund equal in amount to that required by this act, and that the same is held for the benefit of policy holders only, and invested as required by the insurance laws of this state. Neither shall any foreign corporation, company, association or society be authorized to do business in this state unless it funds in advance for the benefit of its policy holders a net premium equal to at least that provided for by the terms of this act.

Foreign corporations must procure certificate of authority.

Renewal certificates.

Superintendent may refuse certificate.

Obligations similar to those of other states.

Foreign company to furnish evidence to entitle it to license.

Discriminations
prohibited.

Contracts by
agents.

Rebate of prem-
ium prohibited.

Policy-holder
not personally
liable for losses
of corporation.

Withdrawals of
securities upon
relinquishment
of business.

Taxes.

SECTION 12. No life insurance corporation, company or association subject to the provisions of this act shall make any discriminations in favor of individuals of the same class or of the same expectation of life, either in the amount of premiums charged or in any return of premiums, dividends or other advantages. No agent of such corporation shall make any contract for insurance or agreement as to such contract other than that which is plainly expressed in the policy issued. No such corporation or agent thereof shall pay or allow, or offer to pay or allow, as an inducement to any person to insure, any rebate of premium, or any especial favor or advantage whatever in dividends to accrue thereon, or any inducement whatever not specified in the policy. If it shall appear to the satisfaction of the superintendent of insurance, after a hearing by him upon due notice, that any corporation is issuing policies or making contracts that are in violation of this section, he shall, upon the written approval of the attorney-general, require such corporation and its officers and agents to refrain, within twenty days, from making any such policy or contract. If any such corporation or officer or agent thereof shall fail to comply with the provisions of this section the superintendent shall institute such proceedings at law as may be necessary to restrain such violation of this section.

SECTION 13. No person shall incur any personal liability for the losses or liabilities of any corporation, company or association organized or doing business under this act by reason of being a policy-holder in such corporation.

SECTION 14. When any such corporation, company or association shall desire to relinquish its business the superintendent shall, on application of such corporation under the oath of its president or principal officer and secretary or actuary, give notice of such intention at least twice a week for six months in a newspaper of general circulation published at Columbus. After such publication he shall deliver up to said corporation the securities held by him belonging to it upon being satisfied by an exhibition of the books and papers belonging to such corporation, and on examination by himself or by some competent person to be appointed examiner by him, and upon the oath of the president or principal officer and the secretary or actuary of said corporation, that all its debts and liabilities of every kind are paid and extinguished that are due or may become due upon any contract or agreement made by said corporation or its assignee any portion of such securities on being satisfied in the manner and form hereinbefore required, or upon any other competent proof, that all the debts and liabilities of every kind that are due or may become due are less than the amount or proportion of such securities which he shall still retain.

SECTION 15. Every corporation doing business under the provisions of this act shall be liable for and pay such taxes as other life insurance companies are liable for.

SECTION 16. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
 ASAHEL W. JONES,
President of the Senate

Passed April 25, 1898..

251G

[House Bill No. 473.]

AN ACT

To repeal section 1a of an act passed (92 O. L., 217), and sections 4, 8, 12 and 16, of an act passed (88 O. L., 382).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 7388—18 be repealed, and that section 7388—21 be amended so as to read as follows:

Ohio state reformatory:

Sec. 4. It shall be the duty of the superintendent, by and with the advice and consent of the board, to appoint such subordinate officers, and other employes as the number of prisoners may from time to time require, and such officers and employes shall receive as compensation salaries not to exceed those now provided by law for similar services by officers and employes performing like duties in the Ohio penitentiary.

Subordinate officials and employes; appointment; compensation.

That section 7388—25 be amended so as to read as follows:

Sec. 8. The discipline to be observed in said Ohio state reformatory shall be reformatory, and the managers shall have power to employ such means of reformation for the improvement of the inmates as they may deem expedient. The labor imposed upon inmates, or industrial pursuits prescribed for the employment of their time, shall also be at the discretion of the board of managers, except that what is known as the contract system of prison labor shall not be employed. The superintendent is hereby authorized to place to the credit of each prisoner, such amount of his earnings as the board of managers may deem equitable and just, taking into consideration the character of the prisoner, the nature of the crime for which he is imprisoned, and his general deportment; provided, that such credit shall in no case exceed twenty per cent. of his earnings, and the funds thus accruing to the credit of any prisoner shall be paid to him, or his family, at such time and in such manner as the board of managers may deem best; provided, that at least twenty-five per cent. of such earnings shall be left for and paid to such prisoner at the time of his restoration to citizenship; and, provided, further, that the superintendent may, with the approval of the managers, by way of punishment for violation of rules, and of propriety, or any other misconduct, cancel such portion of such credit as he may deem best.

Discipline to be reformatory.

Labor of inmates.

Earnings to be placed to credit of prisoner; distribution of fund.

That section 7388—29 be amended so as to read as follows:

Parole of prisoners.

Sec. 12. The said board of managers shall also have the authority to establish rules and regulations under which prisoners within said reformatory may be allowed to go upon parole, in the legal custody and under the control of the board of managers, and subject at any time to be taken back into the enclosure of said reformatory; but no prisoner shall be considered eligible for parole, and no application for parole shall be considered by the managers until such prisoner shall have been recommended as worthy of such consideration by the superintendent and chaplain of said reformatory. And before consideration by the board of managers notice of such recommendation shall be published for three consecutive weeks in two papers of opposite politics in the county from which such prisoner is sentenced, or from the county of the residence of such prisoner; provided the expense of such publication shall not exceed one dollar for each paper; and in no case shall any prisoner be released either conditionally or absolutely unless there is, in the opinion and judgment of the managers, reasonable ground to believe that he will if released live and remain at liberty without violating the law, and that his release is not incompatible with the welfare of society, and such judgment shall be based upon the record and character of the prisoner as established in prison, considering also his previous record, nature and character of the crime committed, and all such other facts as such board of managers may be enabled to obtain, bearing upon the advisability of parol or refusal of the same. Such prisoner shall be allowed to reduce the period of his minimum sentence as provided in section 7388—33 of this act. But no prisoner shall be allowed the privilege of parole without receiving the vote of all the members present at a regular or special meeting.

That section 7388—33 be amended so as to read as follows:

System of credits:

Sec. 16. The board of managers shall, under a system of marks, or otherwise, fix upon a uniform plan under which they shall determine what number of marks or what credit shall be earned by each prisoner sentenced under the provisions of this act, as to the conditions of increased privileges, or of release from their control, which system shall be subject to revision from time to time. Each prisoner so sentenced shall be credited for good personal demeanor, diligence in labor or study, and for the results accomplished, and recharged for derelictions, negligence or offenses. The managers shall establish rules and regulations by which the standing of each prisoner's account of marks or credits shall be made known to him as often as once a month, and oftener if at any time he shall request it. And may also make provision by which any prisoner may see and converse with some one or more of the managers during

every month. When it appears to said managers that there is strong or reasonable probability that any prisoner may live and remain at liberty without violating the law, and his release is not incompatible with the welfare of society, said board may, in its discretion, grant an absolute release to such prisoner, certifying the fact of such release and the grounds thereof to the governor, and the governor may thereupon, in his discretion, restore such prisoner to citizenship. Nothing herein contained shall be construed to impair the power of the governor to grant a pardon or commutation in any case. In order that good behavior, fidelity and diligence may be properly rewarded, each prisoner sentenced to said reformatory shall be entitled to diminish his minimum sentence as follows: Every prisoner who has conducted himself as above provided shall be allowed a deduction of five days from each of the twelve months of the time of his minimum sentence. Whenever the board of managers is satisfied that any prisoner should be pardoned, they shall have the authority to make a recommendation for such pardon to the governor direct, without the intervention of the state board of pardons; but such recommendation shall require a vote of all the members present at any regular or special meeting, such pardon first having been recommended by the superintendent and chaplain of said reformatory.

Release of prisoner.

Prisoner may diminish his minimum sentence.

Recommendation for pardon.

SECTION 2. That section 1a of an act passed (O. L., 92, page 217), and section 4, 8, 12 and 16 of an act passed (88 O. L., 382, 91), are hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 25, 1898.

252G

[Senate Bill No. 481.]

AN ACT

To amend sections 1202 and 1203 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 1202 and 1203 of the Revised Statutes of Ohio be so amended as to read as follows:

Sheriff and coroner:

Sec. 1202. There shall be elected in each county biennially a sheriff and coroner who shall hold their office for two years, beginning on the first Monday of September next after their election.

Election and term of office.

Sec. 1203. The sheriff and coroner shall, each, within ten days after receiving their commissions and before the first Monday of September next after their election, give

Bonds: when to be given.

bond to the state, with two or more sureties approved by the county commissioners, in any sum fixed by the county commissioners not more than fifty thousand dollars nor less than five thousand dollars conditioned for the faithful performance of their respective duties, which bonds with the approval of the county commissioners and the oath of office of the sheriff and coroner, respectively, indorsed thereon, shall be filed with the county auditor.

Repeals.

SECTION 2. The said original sections 1202 and 1203 be and are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed April 26, 1898.

253G

[Senate Bill No. 459.]

AN ACT

To amend and supplement section four (4) as amended April 10, 1896, of an act entitled "An act to create a state supervisor of elections with deputy state supervisors, for the conduct of elections in the state of Ohio," passed April 18, 1892.

Conduct of elections:

Selection and term of chief deputy and clerk.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section four (4) be amended so as to read as follows:

Sec. 4. In all counties, except counties containing cities of the first class, the deputy state supervisors for such counties shall, at least thirty (30) days previous to the November election in each year, meet in the office of the county commissioners and organize by selecting one of their number as chief deputy, who shall preside at all meetings, and a resident elector of such county, other than a member of the board, as clerk, both of which officers shall continue in office one year. The balloting for such officers shall commence at or before one o'clock p. m. on the day of convening, and at least one ballot shall be taken every twenty minutes until such organization is effected. The clerk shall be first selected by votes of at least three members, and if, after five ballots, no person shall be agreed upon as clerk, the clerk shall be selected by lot from two (2) persons of opposite politics, to be nominated by the deputy supervisors, the two deputy supervisors of the same politics to name one (1) candidate for clerk, and the two (2) deputies of opposite politics to name the other. After the selection of the clerk the chief deputy shall be selected from deputies of opposite politics to that of the clerk, and if upon the first ballot no person shall be agreed upon as chief deputy the deputy of opposite politics to the clerk

having the shortest term to serve shall be and act as the chief deputy, presiding at all meetings. When such organization is perfected the clerk shall forthwith report the same to the state supervisor. The clerk shall be paid a salary in quarterly installments not to exceed one hundred (\$100) dollars per year, which compensation shall be fixed by the deputy supervisors for the respective counties. He shall have power to administer oaths to such persons as are required by law to file certificates or other papers with the board, and to chief judges of elections or any witnesses who may be called to testify before the board. At such meeting for organization the deputy supervisors may remain in session not more than two (2) days for the purpose of organization and receiving instructions from the state supervisor as to their duties, and may at such time provide for the publication of a notice for bids for printing ballots, cards of instruction and other necessary blanks and papers required by law in the conduct of elections therein. Such deputy supervisors shall meet on the twelfth day before each election, and shall remain in session for such length of time as may be necessary, and shall adjourn to such day as their duties, prescribed by law, may require. Except in counties containing cities of the second grade of the second class, for attending all meetings the deputy supervisors shall receive as compensation the sum of two (\$2) dollars per day not to exceed twenty (20) days in any one year, and mileage at the rate of five (5) cents per mile going to and returning from the county seat, if the distance be more than one mile. The compensation above provided for, and all proper necessary expenses in the performance of the duties of such deputy supervisors, shall be defrayed out of the county treasury as other county expenses, and the county commissioners shall make the necessary levy to meet the same.

Report of organization.

Salary of clerk.

Clerk's power to administer oaths.

Sessions of deputy supervisors; publication of notice for bids for printing.

Compensation of deputy supervisors.

Payment of compensation and expenses.

SECTION 2. That said section four (4) shall be and is hereby supplemented as follows:

Sec. 4a. That in all counties containing a city of the second grade of the second class, each member of the board of deputy state supervisors of elections for such county, and the clerk of such board, shall receive for his services the sum of two (\$2.00) dollars for each election precinct in such county and city, for each election held in such county, city or any election precinct in such county. Whenever the returns of such election are by law required to be made to said board and the compensation aforesaid shall be paid from the county treasury in the case of general elections, and shall be paid from the treasuries of the several townships in the case of elections to elect township officers, members of the board of education in the several townships, each township to pay for the number of election precincts therein.

Compensation of deputy supervisors and clerk in Montgomery county.

How compensation to be paid.

SECTION 3. Section four (4), as amended April 10, 1896, of an act entitled "An act to create a state supervisor

Repeals.

of elections, with deputy state supervisors, for the conduct of elections in the state of Ohio," passed April 18, 1892, is hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.
254G

Passed April 26, 1898.

[House Bill No. 491.]

AN ACT

To authorize trustees of gas works of municipal corporations not having sinking fund trustees, to create a sinking fund of their surplus revenues for the purpose of meeting and paying off when due, or buying in before due, any gas bonds or water bonds of such corporation, and to invest all moneys not required for other purposes in other bonds.

**Creation of
gas-works sinking
fund by
municipalities
for redemption
of gas or water-
works bonds.**

**Control and in-
vestment of
fund.**

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the gas-works of any municipal corporation not having a board of sinking fund trustees, may at any time set aside the surplus of all revenues required for the proper conduct and management of the gas-works of such corporation and the payment of the bonds issued for gas-works purposes, the same thereafter to be considered a separate fund, to be known as the "gas-works sinking fund," to be held for the purpose of meeting and paying off when due, or buying in before due, any bonds issued by such corporation for either gas-works or water-works purposes; provided, that said trustees shall not be required to pay any such water-works bonds before such gas-works bonds shall have been paid or provided for by the sinking fund hereby created; and the said trustees shall have the control of said fund, and shall invest all moneys placed therein not required to meet maturing gas bonds of such corporation, and when the same are paid off or provided for, all moneys therein not required to meet maturing water-works bonds of such corporation, in bonds of the United States, the state of Ohio, the city of Findlay, or any other city or village in the state of Ohio, or of any board of education or county in said state, preference to be given to the bonds of the city or village of its respective class and grade when they can be purchased at a price equal to or less than the bonds of the United States, or the state of Ohio, taking into consideration the rate of interest on each; and all interest received on said bonds shall be invested in like manner, and at no time shall there be over ten thousand dollars (\$10,000) kept upon deposit in said

fund if investment can be made; and it shall not be necessary to advertise the bonds of any such corporation for sale when the same can be sold to the trustees of the gas-works thereof, at not less than par and accrued interest.

SECTION 2. That the act entitled "An act to amend an act passed April 18, 1892, entitled 'An act to authorize trustees of the gas-works of municipal corporations not having sinking fund trustees, and owning gas-works, to create a sinking fund of the surplus revenues of such works for the purpose of meeting and paying off when due, or buying in before due, any gas bonds of such municipal corporation, and to invest all moneys not required for other purposes in other bonds,' as amended February 15, 1893," passed February 27, 1894, be and the same is hereby repealed. Repeals.

SECTION 3. That this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 25, 1898.

255G

[Senate Bill No. 435.]

AN ACT

To supplement section 891 of the Revised Statutes of Ohio, so as to provide for the acceptance of bequests, donations and gifts for public libraries, and to equip and maintain the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 891 of the Revised Statutes of Ohio be supplemented so as to read as follows:

Sec. 891a. The commissioners may receive a bequest, donation or gift of a building, or property wherewith to construct a building, for a county public library in the county seat of the county, and may enter into an agreement on behalf of the county to provide and maintain a public library therein. Any county accepting such bequest, donation or gift shall be bound to faithfully carry out the agreement so made to provide and maintain such library. The commissioners of any such county are hereby authorized, at their March or June session each year, to levy a tax of not exceeding a half mill on each dollar of taxable property of such county, and the fund derived from such levy shall constitute a special fund to be known as library fund, and shall be used for no purpose other than is contemplated in this section.

County commissioners:

Commissioners may receive bequests, etc., for construction of county library.

Tax for maintenance of library.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 26, 1898.

256G

[House Bill No. 744.]

AN ACT

To amend section 2926¹ of the Revised Statutes of Ohio.

Board of elec-
tions:

Salaries of
members of
board.

Salary of secre-
tary.

Salaries of
members and
secretary in
Stark county.

Salary of secre-
tary—concluded.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2926¹ of the Revised Statutes of Ohio be so amended as to read as follows:

Sec. 2926¹. Each member of the board of elections appointed under this act, in cities of the first and second grades in the first class, shall be allowed and paid a salary of one thousand dollars per annum. And in cities of the third and fourth grades in the first class, and the first and second grades of the second class, a salary of four hundred dollars per annum, payable quarterly, and in cities of the third grade and the third grade *a*, in the second class, a salary of two hundred dollars per annum, payable quarterly, and in cities of the fourth grade in the second class, a salary of fifty dollars per annum, payable semi-annually. The secretary of the board of elections in cities of the first and second grades in the first class, shall be allowed and paid a salary of two thousand and four hundred dollars per annum, in monthly payments, and in cities of the third grade in the first class, six hundred dollars per annum, in monthly payments. In counties containing a city of the first class, fourth grade, each member of the board shall be paid a salary of four hundred dollars, three hundred of which amount to be paid from the city funds and one hundred from the general fund of the county in which the city is situated; and the secretary in such city of the first class, fourth grade, shall be paid a salary of six hundred and fifty dollars, four hundred and fifty dollars of which to be paid from the city funds and two hundred from the general fund of the county, and the money payable from the county funds shall be on warrants drawn by the county auditor upon orders certifying the said services, signed by the president and secretary of the board, said payments to be in monthly installments. And in cities of the first grade, second class, a salary of five hundred dollars per annum, in monthly payments, and in cities of the second grade of the second class a salary of one thou-

sand dollars per annum, to be paid in monthly installments, and in cities of the third grade and third grade *a*, of the second class, a salary of two hundred dollars per annum, and such additional sum, not exceeding one hundred and fifty dollars per annum, as the board may allow, payable quarterly, and in cities of the fourth grade of the second class, a salary of one hundred dollars per annum, payable quarterly, which salaries shall be paid from the city treasury upon orders certifying the said services, signed by the president and secretary, to the city comptroller, city auditor, or city clerk of such city. The registrars of each election precinct shall be allowed and paid three dollars per day, and no more, nor for more than six days in any one election, for their services as registrars. The judges of election, including the registrars as such, and the clerks of election so appointed, shall each of them be allowed and paid five dollars for each election at which they serve, and no more, either from the city or county, except that in cities of the third and fourth grades, and third grade *a*, in the second class, they shall each be allowed and paid three dollars for each election at which they serve, and no more, either from the city or county. But no registrar, judge, or clerk shall be entitled to the compensation so fixed except upon the allowance and order of the board of elections, made at a joint session, certifying that each has fully performed his duty according to law as such, and stating the number of days' services actually performed by each, and signed by the president and secretary of the board to the city comptroller, city clerk, or city auditor of such city, but for all general elections other than municipal, the county in which such city is located shall pay the general expenses of such registration and election; and such allowance and order for such expenses and compensation to such registrars, judges and clerks shall be signed by the president and secretary of such board to the county auditor of such county, who shall issue his warrants upon the county treasurer for such amount.

Compensation
of registrars,
judges and
clerks; ex-
penses to be
paid by county.

SECTION 2. That section 2926*t* of the Revised Statutes, as amended April 27, 1896, be and the same is hereby repealed.

Repeals.

SECTION 3. That this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 25, 1898.

257G

[House Bill No. 740.]

AN ACT

To amend section 7033 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 7033 of the Revised Statutes be so amended as to read as follows:

Offenses against chastity, etc.:
Penalty for laboring or requiring employe to labor on Sunday.

Works of necessity or charity and others exempt.

Repeals, etc.

Sec. 7033. Whoever, being over fourteen years of age, engages in common labor on the first day of the week, commonly called Sunday; and whoever, being over fourteen years of age, shall open or cause to be opened any building or place for the transaction of business on the first day of the week commonly called Sunday, or who shall require any person in his employ or under his control to engage in common labor on Sunday, shall, on complaint made within ten days thereafter, and upon conviction, be fined, for the first offense, twenty-five dollars, and for each subsequent offense such person shall be fined not less than fifty dollars nor more than one hundred dollars, and imprisoned not less than five days nor more than thirty days. But this section does not apply to or embrace works of necessity or of charity, and does not extend to persons who conscientiously observe the seventh day of the week as the Sabbath, and who do in fact abstain, on that day, from the doing of the things herein prohibited on Sunday; nor shall it be so construed as to prevent families emigrating from traveling, or watermen from landing their passengers, or keepers of toll-bridges, toll-gates or ferries from attending the same, on Sunday.

SECTION 2. That said section 7033 of the Revised Statutes be and the same is hereby repealed; and this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 26, 1898.

258G

[House Bill No. 728.]

AN ACT

To provide for the liquidation of indebtedness of agricultural societies, and to amend section 3705 of the Revised Statutes.

Submission of question of issuing bonds to liquidate debt of county agricultural society.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in all counties in which there may be a county agricultural society which has purchased a site whereon to hold fairs, or where the title to such grounds is vested in fee in the county, and such society has become indebted to an extent of not less than fifteen thousand

dollars, upon the presentation of a petition signed by not less than five hundred resident electors of the county praying for the submission to the electors of the county of the question whether or not the bonds of the county shall be issued and sold for the purpose of liquidating the indebtedness of such society, it shall be the duty of such county commissioners within ten days thereafter, by resolution, to fix a date which shall be within thirty days, upon which the question of issuing and selling such bonds, in amount and denomination such as may be necessary for the purpose in view, shall be submitted to the electors of the county, and shall cause a copy of such resolution to be certified to the deputy state supervisors of elections of the county, and such deputy state supervisors of elections shall, within ten days thereafter, proceed to prepare the ballots and make all other necessary arrangements for the submission of such question to the electors of such county, at the time fixed by such resolution. Such election shall be held at the regular places of voting in such county and shall be conducted, canvassed and certified in the same manner, except as otherwise provided by law, as elections for the election of county officers. Fifteen days' notice of the submission shall by the deputy state supervisors of elections, be given by publication in one or more newspapers published in the county once a week for two consecutive weeks, stating the amount of bonds to be issued, the purpose for which they are to be issued and the time and places of holding such election; and if the majority of the voters voting upon the question of issuing the bonds vote in favor thereof, then and not otherwise the bonds shall be issued, and the tax hereinafter mentioned shall be levied. Those who vote in favor of the proposition shall have written or printed on their ballots "for the issue of bonds" and those who vote against the same shall have written or printed on their ballots "against the issue of bonds."

SECTION 2. In the event that a majority of the voters of such county voting upon the question of issuing the bonds vote in favor thereof, it shall be the duty of the board of county commissioners, for the purpose of liquidating such indebtedness, to issue and sell the bonds of the county according to law, in such amount as may be necessary, and bearing interest not to exceed six per cent. per annum, payable semi-annually; said bonds to be issued for a period of not less than ten nor more than twenty years; and such county commissioners shall thereupon levy a tax upon all the taxable property upon the duplicate of the county to pay such bonds as they may mature and the interest thereon, at such rate and for such length of time as may be necessary for the purpose.

Issue of bonds

Levy to pay bonds.

SECTION 3. The county commissioners, upon the sale of such bonds, shall, from the proceeds arising from such sale, pay off and liquidate the indebtedness for which they were so sold.

Proceeds of bonds to be used in liquidation of debt.

Agricultural
corporations:

When real
estate vests in
county.

Repeals, etc.

SECTION 4. That section 3705 of the Revised Statutes be so amended as to read as follows:

Sec. 3705. When a society is dissolved or ceases to exist, in any county where payments have been made for real estate, or improvements upon such real estate, or for the liquidation of indebtedness, for the use of such society, all such real estate and improvements shall vest in fee simple in the county by which such payments were made.

SECTION 5. That said original section 3705 of the Revised Statutes be and the same is hereby repealed and this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 25, 1898.

259G

[House Bill No. 715.]

AN ACT

'To amend section 2836 of the Revised Statutes of Ohio.

Levying taxes:

Tax shall be
levied to pay
bonds and in-
terest.

Surplus in
water-works
fund in Colum-
bus to be ap-
plied on inter-
est on storage
dam bonds, and
for creation of
sinking fund
for redemption
of such bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2836 of the Revised Statutes of Ohio be so amended as to read as follows:

Sec. 2836. For the payment of bonds issued under the preceding section, the township trustees or municipal council shall levy a tax in addition to the amount otherwise authorized, every year during the period the bonds have to run, sufficient in amount each year to pay the bonds falling due within that year, and the accruing interest. Provided, however, that in cities of the first grade of the second class any surplus of the water-works fund of such cities after paying the expense of conducting, managing, repairing and extending the water-works of such cities, shall first be applied to the payment of the interest accruing on any bonds issued or which may hereafter be issued for the construction of dams for storing water for the purpose of supplying water to any such cities and the inhabitants thereof, and for the creation of a sinking fund for the payment of the principal of such bonds, before applying the proceeds of any tax levy made in pursuance of this provision, and that the councils of any such cities be authorized to levy a tax for the exclusive purpose of paying the excess of such bonds and interest, and creating such sinking fund after the application of such surplus as herein provided.

SECTION 2. That said original section number 2836 be and it is hereby repealed, and this act shall take effect and be in force from and after its passage. Repeals, etc.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed April 26, 1898.

260G

[House Bill No. 903.]

AN ACT

To amend an act passed April 21, 1898, entitled "An act to reenact and amend sections 1, 2, 3, 4, 5 and 6 of an act entitled 'An act to provide a board of elections for certain specified counties,' passed April 12, 1889 (86 O. L., p. 258), as amended April 30, 1891 (88 O. L., p. 468), as amended by section 2 of the act of April 18, 1892 (89 O. L., p. 429), and numbered as sections 2926 w—1, 2926 w—2, 2926 w—3, 2926 w—4, 2926 w—5 and 2926 w—6, in the Revised Statutes of Ohio; and to amend sections 3 and 4 of an act entitled 'An act to create a state supervisor of elections, with deputy state supervisors, for the conduct of elections in the state of Ohio,' passed April 18, 1892 (89 O. L., p. 455), as amended April 25, 1893 (90 O. L., p. 263), as amended April 10, 1896 (92 O. L., p. 145), and numbered as sections 2966—3 and 2966—4 in the Revised Statutes of Ohio; and to amend sections 25 and 37 of the act commonly known as the ballot act, passed April 30, 1891 (88 O. L., pages 450 and 463), as amended April 18, 1892 (89 O. L., pages 448 and 453), as amended April 25, 1893 (90 O. L., pages 276 and 277), and as amended April 10, 1896 (92 O. L., pages 147 and 148), and numbered as sections 2966—40 and 2966—53 in the Revised Statutes of Ohio, and to repeal certain sections and acts herein named."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the above entitled act amending and reenacting sections 1, 2, 3, 4, 5 and 6 of the above recited act, entitled "An act to provide a board of elections for certain specified counties," passed April 12, 1889 (86 O. L., p. 258), as amended April 30, 1891 (88 O. L., p. 468), as amended by section 2 of the act of April 18, 1892 (89 O. L., pp. 429, 430 and 431), as amended April 21, 1898, be reenacted and amended so as to read as follows:

Conduct of elections:

Sec. 1. In any county having within its territory a city of the first class and first grade of the second class, except counties containing cities of the first class, fourth grade, the election precincts of the county not included within the city, shall be held and deemed to be election precincts of the city for the purpose of conducting and supervising elections therein, and the boards of elections heretofore established in such cities shall have directions of elections in such precincts and throughout such county; and all the provisions, duties, penalties and requirements contained in section two thousand nine hundred and twenty-six of the Revised Statutes, and supplemental sections as

Conduct of elections in counties containing cities of the first class and first grade of the second class.

heretofore amended shall apply and be in full force as to all elections held in such counties as well as such cities, except as herein specified; and the members, secretary, deputy secretary, clerks and assistants of such board, shall be electors of the county and not of the city merely. (89 v. 429.)

Provisions applicable to elections in precincts outside such cities.

Sec. 2. The following provisions included in this section, shall apply only to elections in precincts not included in such cities: Registration of electors, as provided in the above mentioned sections, shall not be required. The board of elections may, in its discretion, authorize the judges of elections to omit the meeting for organization, provided in section 2926*n*, but in all such cases the judges shall organize as therein required, on the morning of the election, before opening the polls. The boards of elections may, when expedient, permit the oath required by section 2926*e* to be administered by an officer authorized to administer oaths without the appointee appearing at the office of the board, and any such officer is required to administer such oath without compensation; but in all such cases the oath, duly certified, must be filed in the office of the board before the certificate of appointment is issued. The board may dispense with the notice of appointment required in section 2926*e*; when vacancies occurring on the day of election have been filled, as required in said section, and when said notice has been so dispensed with, the appointee shall serve upon such appointment as if he had been appointed by the board. The board may authorize judges of election to forward, by mail, the certified summary statement of votes required in section 2926*p*; provided, the said judges shall have announced the vote to the board by telegraph or telephone, as required in said section and in section 2926*q*. The board of elections shall provide for the safe-keeping and delivery of the ballot-boxes as may seem expedient. (89 v. 429.)

Delivery of poll-books.

Sec. 3. At every election, in any county as aforesaid, for state or county officers, or for representatives in congress, or for presidential electors, the poll-book of each precinct, addressed to "the county board of canvassers," as required by section 2926*r*, shall be delivered at the office of the board of elections. The other poll-book shall be addressed to the "clerk of the court of common pleas," and delivered to him, and he shall preserve it for one year, for inspection as a public record, and shall, upon demand of the board of canvassers, produce any such poll-book for their inspection and use. The time and manner of delivery of poll-books shall be as provided in section 2926*r*, except that the poll-books from election precincts not included within the city, shall be delivered within twenty-four hours after closing the polls. The president or secretary of the board of elections may order the summary arrest of any judge of elections in such county, who fails to make returns of any election; and it shall be the duty of the sheriff

of the county, or of any policeman or constable, to whom such order may be directed, to bring such delinquent judge, together with the poll-book, and other books pertaining to the election or registration, before said board. [89 v. 430.]

Sec. 4. The members of the board of elections shall constitute the county canvassing board; and all duties as to canvassing the votes and making returns of the same, now by law assigned to the clerk of the court of common pleas, shall be performed by such board. Within four days after the election in November, and after any special election for county or state officers, or for representative in congress, the members shall meet at the office of the board of elections, and organize by choosing one of their number to be president, and appointing a secretary and necessary assistants. They shall proceed to canvass the vote of the county, and make return of the same as required by section 2926s, and by law. In case of doubt or disagreement, so that the board cannot proceed with the canvass, a statement in writing in [of] the matter in doubt or controversy, shall be made and forthwith submitted to one of the judges of the circuit, for the circuit in which the county is situated; and if the board cannot otherwise agree the judges shall be selected by lot. Such judge shall summarily decide upon the matters submitted to him, and his decision shall be final. [89 v. 430.]

Canvass of votes
and returns
thereof.

Sec. 5. Judges and clerks of election, appointed as herein provided, shall be allowed compensation as fixed in section 2926t. Salaries of the members and secretary, as fixed in said section, shall be paid out of the city treasury; and in addition there shall be allowed to each member of the board, in counties containing cities of the first class, except counties containing cities of the first class, fourth grade, the sum of five hundred dollars per annum, and to the secretary the sum of six hundred dollars per annum, and in counties containing cities of the first grade of the second class, to each member of the board and to the secretary, the sum of four hundred dollars per annum, all payable quarterly out of the treasury of the county. The expense of the purchase and repair of ballot-boxes, shall be paid out of the county treasury. All other expenses of every description incurred between the first day of July and the thirty-first day of December in each year, shall be paid out of the county treasury; and all expenses incurred between the first day of January and thirtieth day of June in each year, shall be paid as heretofore provided by law. All payments shall be made upon vouchers of the board, made and certified as required by section 2926d. [89 v. 431.]

Compensation
of judges and
clerks; salaries
of members
and secretary
of board; ex-
pense of ballot-
boxes.

Other expenses:
how payments
to be made.

Sec. 6. In all counties other than counties containing cities of the first class and first grade of the second class, in or for which there is or may be established deputy state supervisors of elections, said deputy state supervisors shall,

Other counties
than above
supervisors to
act: judges
and clerks.

in their respective counties, in the conduct of elections, have all the powers and perform all the duties conferred and imposed by this act, and the sections of the Revised Statutes amended and reenacted therein, on the clerks of the court, and be subject to the same provisions, penalties and requirements. Judges and clerks appointed for the several precincts of a county by such board of elections or deputy supervisors or other officer or officers, shall serve as such in the conduct of all elections under this act in preference to the judges and clerks provided for herein, and shall perform all the duties and exercise all the powers and be subject to all the penalties imposed, conferred or prescribed in the sections of the Revised Statutes amended and reenacted by this act upon judges and clerks of election [89 v. 431.]

SECTION 2. That the provisions of the above entitled act amending sections 3 and 4 of an act entitled "An act to create a state supervisor of elections, with deputy state supervisors for the conduct of elections in the state of Ohio," passed April 18, 1892 (89 O. L., p. 455), as amended April 25, 1893 (90 O. L., p. 263), and as amended April 10, 1894 (92 O. L., p. 145), as amended April 21, 1898, be reenacted and amended so as to read as follows:

Appointments,
qualifications
and term of
deputy state
supervisors.

Sec. 3. On or before the first Monday in August 1892, such state supervisor shall appoint four deputy state supervisors for each county in this state, who shall be qualified electors of the county for which appointed. For the first appointment, two members shall be appointed for a term of one year, and two for a term of two years from the first Monday in August, 1892. One member so appointed for one year and one for two years, shall be from the political party which cast the highest number of votes at the last preceding November election for governor or secretary of state. The other two members shall be appointed from the political party which cast the next highest number of votes for such officer at said November election. Thereafter appointments shall be made annually for two deputy state supervisors for each county for the term of two years, which appointments shall be from two political parties which cast the highest and next highest number of votes at the last preceding November election for governor or secretary of state. All vacancies shall be filled and appointments to new terms made from the political party to which the vacating or out-going member belongs, unless there be a third political party which cast a greater number of votes in this state than did the party to which the retiring member belonged; at the next preceding November election, in which event the vacancy shall be filled from such third party. Provided, that if the executive committees of the two political parties in the county casting the highest and next highest number of votes in this state at the last preceding November election, recommend qualified persons to the state supervisor at least ten days before the appoint-

Vacancies.

Recommendation by party
executive committees.

ment is made, then the state supervisor shall appoint the persons so recommended to the number to which such party is entitled; but if no such recommendation is made, the state supervisor shall make the appointments agreeably to the provisions herein contained. Any deputy state supervisor may be removed by the state supervisor for misfeasance or malfeasance in office, or other good and sufficient cause; and if, in filling vacancies caused by removals, no person or persons belonging to the political party as the person or persons removed, can be induced to accept such appointment, then the vacancies can be filled by appointments from any other political party. Provided further, that in counties containing cities of the first class and first grade of the second class, the board of elections heretofore provided for such cities, by section 2926, and all sections supplementary thereto, of the Revised Statutes, shall have all the powers and perform all the duties for such counties imposed, and conferred by this act on the deputy state supervisors. And deputy state supervisors in all counties containing cities of the first grade of the second class are hereby abolished. In counties containing cities of the second class, other than cities of the first grade of the second class, the board of elections heretofore provided for said cities, shall have power and be subject to the duties prescribed in section 2926 of the Revised Statutes, and supplemental sections as heretofore amended, except that all the returns of the November elections shall, in such counties be made to the deputy state supervisors, as hereinafter provided; and in addition thereto, each board shall, in the conduct of municipal elections, have all the powers and duties and be subject to all the provisions, penalties and requirements of the deputy state supervisors prescribed in this act. [90 v. 263.]

Removals.

Powers and duties of boards of elections in counties containing cities of the first class, and first grade of the second class.

Powers and duties of boards of elections in counties containing cities of the second class, other than cities of the first grade of the second class.

Sec. 4. In all counties except counties containing cities of the first class and first grade of the second class, the deputy state supervisors for such counties shall, at least thirty days previous to the November election in each year, meet in the office of the county commissioners and organize by selecting one of their number as chief deputy, who shall preside at all the meetings, and a resident elector of such county, other than a member of the board, as clerk, both of which officers shall continue in office for one year. The balloting for such officers shall commence at or before 1 o'clock p. m., on the day of convening, and at least one ballot shall be taken every twenty minutes until such organization is effected. The clerk shall be first selected by the votes of at least three members, and if, after five ballots no person shall be agreed upon as clerk, the clerk shall be selected by lot, from two persons of opposite politics, to be nominated by the deputy supervisors, the two deputy supervisors of the same politics to name one candidate for clerk, and the two deputies of opposite politics to name the other. After the selection of the clerk the chief deputy

Selection and term of chief deputy and clerk.

Report of organization.
Salary of clerk.

Clerk's power to administer oaths.

Sessions of deputy supervisors; publication of notice for bids for printing.

Compensation of deputy supervisors.

Payment of compensations and expenses.

Making, transmission and preservation of returns, tally-sheets and poll-books.

shall be selected from deputies of opposite politics to that of the clerk, and if upon the first ballot no person shall be agreed upon as chief deputy, the deputy of opposite politics to the clerk having the shortest term to serve, shall be, and act as the chief deputy, presiding at all meetings. When such organization is perfected, the clerk shall forthwith report the same to the state supervisor. The clerk shall be paid a salary, in quarterly installments, not to exceed one hundred dollars per year, which compensation shall be fixed by the deputy supervisors for the respective counties. He shall have power to administer oaths to such persons as are required by law to file certificates or other papers with the board, and to chief judges of election, or any witnesses who may be called to testify before the board. At such meeting for organization, the deputy supervisors may remain in session not more than two days for the purpose of organization and receiving instructions from the state supervisor as to their duties, and may at such time provide for the publication of a notice for bids for printing ballots, cards of instruction and other necessary blanks and papers required by law in the conduct of elections therein. Such deputy supervisors shall meet on the twelfth day before each election, and shall remain in session for such length of time as may be necessary, and shall adjourn to such day as their duties prescribed by law may require. For attending all meetings the deputy supervisors shall receive as compensation the sum of two dollars per day, not to exceed thirty days in any one year, and mileage at the rate of five cents a mile going to and returning from the county seat, if the distance be more than one mile. The compensation above provided for, and all proper necessary expenses in the performance of the duties of such deputy supervisors, shall be defrayed out of the county treasury as other county expenses, and the county commissioners shall make the necessary levy to meet the same [92 v. 145.]

SECTION 3. That the provisions of the above entitled act amending sections 25 and 37 of an act, entitled "An act amendatory of and supplementary to an act, entitled 'An act to provide for the mode of conducting elections to insure the secrecy of the ballot, and prevent fraud and intimidation at the polls, and to repeal certain statutes therein named,'" passed April 30, 1891, passed April 1, 1892 (89 O. L., page 432), as amended April 25, 1893 (90 O. L., pages 276 and 277), as amended April 10, 1896 (92 O. L., pages 147 and 148), as amended April 21, 1898, be amended and reenacted so as to read as follows:

Sec. 25. After canvassing the votes the judges and clerks shall make out the returns of the election and the tally-sheets thereof in duplicate, signed and certified as required by law; one copy thereof shall be immediately transmitted to the deputy state supervisors by the presiding judge or such other judge as he may designate; the other po

book and tally-sheet shall be forthwith deposited with the clerk of the township or the clerk of the municipal corporation, 'as the case may require, by another judge designated by the presiding judge, to be preserved one year after the date of such election. Such returns shall be securely sealed up in an envelope and addressed transversely upon the upper end thereof to the proper officer with whom they are to be deposited, with the designation of the township, precinct and county; provided, that in cities of the first class and first grade of the second class, such delivery shall be made as now provided by law. From the time the ballot-box is opened and the count of votes begun, until the votes are counted and the returns made out, signed and certified as required by law, and delivered to the judges selected for such duty for transmission, the judges and clerks of the precincts shall not separate, nor any judge or clerk leave the polling place except from unavoidable necessity, under penalty of a fine of not less than fifty nor more than one hundred dollars. [92 v. 147.]

Cities of the first class and first grade of the second class.

Period during which judges and clerks shall not separate or leave polling place under penalty.

Sec. 37. In counties containing cities of the first class, and first grade of the second class, the election precincts of the county outside of the city shall be held and deemed to be an election precinct of the city for the purpose of conducting elections under this act, and the board of elections heretofore provided for such cities by section 2926b of the Revised Statutes, shall, in their respective counties perform the duties imposed upon the deputy state supervisors by this act. In counties containing cities of the second class, other than cities of the first grade of the second class, the boards of elections heretofore provided for such cities, shall have the power and be subject to the duties prescribed in section twenty-nine hundred and twenty-six of the Revised Statutes, and supplemental sections as heretofore amended, except that all the returns of the November election shall, in such counties, be made to the deputy state supervisors as provided by law; and in addition thereto, such boards shall, in the conduct of municipal elections, have all the powers and duties and be subject to all the provisions, penalties and requirements of the deputy state supervisors prescribed in this act. In all counties other than counties containing cities of the first class, and first grade of the second class, in or for which there is or may be established a board of elections, or deputy supervisors of elections or other officer or officers, whose duty [it] is to receive and canvass the returns of the elections in and for such county or counties, and transmit abstracts thereof, such board or deputy supervisors, or other officer or officers shall in their respective counties, in the conduct of elections have all the powers and perform all the duties conferred and imposed by this act and be subject to the provisions, penalties and requirements herein; provided, that in the consideration and decision of the objections and questions arising in the course of a nomination for an officer of a circuit or district com-

Duties of boards of elections in counties containing cities of the first class and first grade of the second class.

Powers and duties of boards in counties containing cities of the second class, other than cities of the first grade of the second class.

Powers and duties of boards, deputy supervisors or other officers in counties other than those containing cities of the first class and first grade of the second class.

When chief deputy or presiding canvassing officer to

act for associates.

Judges and clerks appointed by such election officers.

Repeals.

posed of more than one county, the chief deputy supervisor or presiding canvassing officer of the county shall act for his associates. Judges and clerks appointed for the several precincts of a county by such boards of elections or deputy supervisors or other officer or officers, shall serve as such in the conduct of all elections under this act and shall perform all the duties and exercise all the powers and be subject to all the penalties imposed, conferred or prescribed by this act upon judges and clerks of elections. [90 v. 276.]

SECTION 4. That said act passed April 21, 1898, entitled "An act to reenact and amend sections 1, 2, 3, 4, 5 and 6 of an act entitled 'An act to provide a board of elections for certain specified counties,' passed April 12, 1889 (86 O. L., p. 258), as amended April 30, 1891 (88 O. L., p. 468), as amended by section 2 of the act of April 18, 1892 (89 O. L., p. 429), and numbered as sections 2926 w—1, 2926 w—2, 2926 w—3, 2926 w—4, 2926 w—5 and 2926 w—6, in the Revised Statutes of Ohio; and to amend sections 3 and 4 of an act entitled 'An act to create a state supervisor of elections, with deputy state supervisors, for the conduct of elections in the state of Ohio,' passed April 18, 1892 (89 O. L., p. 455), as amended April 25, 1893 (90 O. L., p. 263), as amended April 10, 1896 (92 O. L., p. 145), and numbered as sections (2966—3) and (2966—4) in the Revised Statutes of Ohio; and to amend sections 25 and 37 of the act commonly known as the ballot act, passed April 30, 1891 (88 O. L., pp. 450 and 463), as amended April 18, 1892 (89 O. L., pp. 448 and 453), as amended April 25, 1893 (90 O. L., pp. 276 and 277), and as amended April 10, 1896 (92 O. L., pp. 147 and 148), and numbered as sections 2966—40 and 2966—53 in the Revised Statutes of Ohio, and to repeal certain sections and acts herein named," be and the same is hereby repealed. And all acts or parts of acts, and all sections or parts of sections in conflict with the provisions of this act, are to the extent of such conflict hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 25, 1898.

261G

[House Bill No. 902.]

AN ACT

To provide for the appointment of a centennial commission and payment of the expense thereof.

WHEREAS, House joint resolution No. 43 provided that a centennial exposition should be held in Ohio in 1903, from June 15 to October 15, and the city of Toledo was selected at the joint session of the two houses of the general assembly as therein provided, as the place at which said exposition should be held; and

Preamble:

WHEREAS, In order that the interests of this state in said exposition may be properly recognized and its efforts in aiding in the success of said exposition may be intelligently exercised it will require much preliminary investigation and work in securing information and in preparing plans in order that the general assembly may act intelligently and effectively in assisting to make said exposition a credit to the state, and to fully carry out the intents and purposes of this general assembly; now, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the governor of the state be, and he is hereby authorized to appoint a commission to consist of twenty-one members, one member of which commission shall be selected from each of the congressional districts of this state, and not more than eleven of whom shall belong to any one political party, who shall serve without pay or compensation, but whose actual and legitimate expenses shall be paid on vouchers to be approved by the governor. Said commission shall immediately after appointment meet at some place and time designated by the governor and proceed to organize by electing a president and first and second vice-president; said commission shall have authority to employ a secretary and such clerical and other assistance as may be necessary. The duties of said commission shall consist in examining and acquainting itself with the grounds upon which it is proposed that said exposition shall be held, and the general plans for their improvement which should receive its approval before adoption, and shall inspect from time to time such improvements and make such suggestions and recommendations as shall appear desirable or necessary, and in obtaining information as to other expositions of like nature which have heretofore been held or which are now being held and to obtain suggestions from the citizens of this state as to the nature, extent and character of the exposition which they desire to have held, and to procure plans and propositions pertaining to said exposition and recommendations and suggestions generally that would be of profit in determining what this state should do in forwarding said exposition, including also, invitations to other states, particularly those in the old northwest territory, to participate therein, which invitations shall be ap-

Centennial commission; appointment; powers; duties.

Appropriation.

proved and endorsed by the governor; and all of which plans, recommendations, suggestions, propositions and information said commission shall report to the next general assembly within ten days from the beginning of its first session. For the purpose of paying the expenses incurred by said commission in the performance of its said duties to the date of its first said report there is hereby appropriated from the general revenue fund of the state from any money not otherwise appropriated, five thousand dollars which shall cover all expenses herein authorized, and the auditor of state shall draw his warrants on the state treasurer in payment of such expenses from time to time on vouchers as aforesaid, which warrants shall be paid by said treasurer out of said fund. Provided however that nothing in this act shall be construed as obligating the state for any appropriation for such centennial exposition, or in any way as expressing the sense of this general assembly, that an appropriation further than the one herein provided, should be made.

SECTION 2. That this act shall take effect on its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAH W. JONES,
President of the Senate.

Passed April 26, 1898.

262G

[House Bill No. 901.]

AN ACT

To promote better facilities to operate boats on the Miami and Erie canals.

Preamble:

WHEREAS, It is due to the taxpayers of the state of Ohio to obtain from the canals and inland waterways under the control of said state the greatest amount of revenue compatible with their most efficient use, which can only be done by affording merchants, manufacturers and shippers more rapid and economical transportation thereon for their products; and

WHEREAS, As a motive power on land it has been demonstrated that electricity, because of its cheapness and practicability is eminently successful, and it is believed that the same results can be accomplished on water and that efforts to that end should be speedily made, provided the same is done without any expense to the state; therefore,

Experiments
with electricity
as a motive
power for pro-
pulsion of
boats on canals.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of public works of this state be and is hereby authorized and empowered to grant by lease or permit to any party or parties or company the right to make any experiment with electricity as a motive

power for the propulsion of boats or other craft on the Miami and Erie canal by poles and overhead wires erected for such purpose, or by traction power on the berme banks or towing paths in such manner and under such regulations as said board of public works may direct, provided that animal or other motive power for the propulsion of boats as used at present is not to be in any manner interfered with. And, if such experiments with electricity when made should be found successful, said board may further grant by lease or license to such party or company, the right to operate and propel boats and other craft on said Miami and Erie canal as aforesaid under the following regulations:

Lease or license
of company to
operate boats.

SECTION 2. Any party or company to whom a grant or license as provided for in section 1, is made, may operate its own boats, but it shall be obligated to propel and operate all boats for hire when the owner may so desire, under and pursuant to such reasonable rules as to tonnage per mile or otherwise as the board of public works may fix if the parties are unable to agree.

Obligations of
license.

SECTION 3. In any experiments made as aforesaid, or any act done in developing the practical application of electricity as a motive power, no expense shall be incurred by the state or the board of public works, and no contract for same shall be in force and effect until approved by the governor and attorney-general.

State not to be
responsible for
expense of ex-
perimenting;
contracts to be
approved.

SECTION 4. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed April 25, 1898.

263G

[House Bill No. 757.]

AN ACT

To amend section 4358 and to repeal sections 4359 and 4360.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4358 of the Revised Statutes of Ohio be amended to read as follows:

Intoxicating
liquors:

Sec. 4358. Such husband, wife, child, parent, guardian or other interested person liable to be so injured by any sale of intoxicating liquors to any person, and desiring to prevent the sale of intoxicating liquors to such person, shall give notice either verbally or in writing to the person or persons so selling or giving the intoxicating liquors, and to the owner or lessor of the premises wherein such intoxicating liquors are given or sold, not to sell to such person any intoxicating liquors from and after five days from the date of such notice. [72 v. 35, 7.]

Notice to seller
or owner of
premises.

Repeals.

SECTION 2. That said sections 4358, 4359 and 4360 of the Revised Statutes be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,

Speaker of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed April 25, 1898.

264G

[House Bill No. 775.]

AN ACT

To amend section 871 of the Revised Statutes of Ohio.

County commissioners:

May borrow money for same, or for building or improving memorial hall, court house, jail, infirmary, or bridge, or for poor, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 871 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 871. The commissioners, for the execution of the objects stated in the preceding section, or for the purpose of erecting or acquiring any building in memory of Ohio soldiers, court house, buildings for county offices, jail, county infirmary, or any necessary buildings, or bridge, or for the purpose of enlarging, repairing, improving or rebuilding any such building or bridge, or for the relief or support of the poor, may borrow such sum or sums of money as they deem necessary, at a rate of interest not to exceed six per cent. per annum, and issue the bonds of the county to secure the payment of the principal and interest thereof; such interest shall be paid semi-annually, at the county treasury, and the principal shall be paid at such treasury, at such time as the commissioners prescribe, within twenty years from the date of such indebtedness; the interest on all the bonds issued for any of said purposes, shall become due and payable at the same time, and the first payment of interest on any such bond shall be for such portion of the six months as has elapsed between the date of its issue and the time specified therein for the first payment of interest thereafter; provided, that in the case of bridges over streams on abandoned turnpikes, the provision of section 825 of the Revised Statutes shall not apply.

Repeals, etc.

SECTION 2. Said original section 871, as amended April 27, 1896 (O. L. 92, page 342), be and the same is hereby repealed, and this act shall take effect on and after its passage.

HARRY C. MASON,

Speaker of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed April 25, 1898.

265G

[House Bill No. 779.]

AN ACT

To amend section 4495 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4495, Revised Statutes of Ohio, be amended so as to read as follows:

Sec. 4495. The commissioners of any county, at any regular or called session, may in the manner provided in this chapter, so far as applicable when the same is necessary to the public health, convenience or welfare, cause to be located, constructed, deepened, widened or enlarged any bridge or culvert, made necessary by the crossing of any ditch, drain, watercourse or stream of water, by any railroad, turnpike, plank road, or other road of any corporation, at the expense of said corporation, and the necessity for making any improvement herein provided for, may be heard and determined at the same time and under the same petition as provided for in section 4447 of this chapter. If the commissioners find for the improvement, they shall, by an order entered on their journal, determine the dimensions of said improvement and that said improvement shall be made by the corporation affected thereby, within three months from the making of such order according to the plans and specifications, and of such materials, as the board may approve and select; provided, that if said corporation shall not within ten days from the date of such order, in writing, elect to make said improvement as ordered, such fact shall be taken as a refusal to do the same, and thereupon, the county commissioners shall at once by an order duly entered upon their journal, specify the materials to be used in the construction of said improvement, and directing the county surveyor, or an engineer, to make suitable surveys and to prepare plans and specifications for the making of said improvement so ordered, which shall be filed with the county auditor within twenty days from the making of such order, who shall thereupon fix a date for a hearing thereon. At any time on or before the day set for said hearing said corporation may, in writing, file exceptions to said plans and specifications, or ask for any change or alteration thereof, and of the materials out of which the same is ordered to be constructed, which may be granted or refused by said commissioners as may seem just and proper. Upon the approval of such plans and specifications as made, or as may be changed at said hearing, the commissioners shall, at once, proceed to fix a time for the letting of said improvement by bids as provided in section 4475 of this chapter, and as soon as said improvement is completed assess said corporation with the costs of constructing and letting the same, and such assessment shall be a lien upon the property of the corporation, and be collected as other taxes, or they may order the same to be

County ditches:

Commissioners may require any bridge or culvert to be enlarged.

Dimensions of improvement to be determined by commissioners; corporation affected to make same.

Failure of corporation to make improvement.

Exceptions to plans and specifications, etc.

Letting of improvement; costs to be assessed against corporation.

collected from such corporation by an action at law, as they deem proper. Such corporations shall be served as in other cases.

Repeals.

SECTION 2. That said original section 4495 be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 25, 1898.

266G

[House Bill No. 820.]

AN ACT

Supplementary to section 2293 of the Revised Statutes of Ohio.

Assessments:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following section be enacted as supplementary to section 2293 of the Revised Statutes, with sectional numbering as herein provided:

Repair of
streets, avenues,
highways and
alleys in Cin-
cinnati.

Sec. 2293*h*. In cities of the first grade of the first class, the board of administration or board of city affairs or their successors in office, shall have authority to repave any streets, avenues, highways or alleys in such cities which have been heretofore paved with boulders, cobble stone or limestone and paid for at the expense in part or in whole of the property fronting or abutting on such streets, avenues, highways or alleys by causing a new pavement of any other material to be placed upon the old foundation under such pavement, and the method of procedure in such cases shall be as follows, viz.:

Method of
procedure.

1. The provisions contained in paragraphs 1, 2, 3 and 5 of section 2293*a*, as enacted April 25, 1885, shall apply to the repaving under this act, and be the mode of procedure hereunder, except that the provision for a change of grade as provided in paragraph 2, shall not apply hereunder, it being the purpose of the act that such repaving shall be done upon the grade of said street when first paved.

2. All material necessary to be removed from any street, avenue, highway or alley where such repavement is to be made, shall go to and become the property of the contractor as part compensation for such repavement, and the advertisement for bids shall state that said materials are to go to the contractor, so that all bidders may know that fact and make their bids with reference thereto.

3. One-half of the cost of any such repavement shall be paid by the city at large, upon order of said board of administration or board of city affairs or their successors

in office out of the fund herein provided for such repavement. Such cities shall be considered property owners as to any property belonging to the corporation abutting upon the streets, avenues, highways or alleys so repaved; provided however that the one-half of the cost of any such repavement, so paid by the city at large, shall be held to include all other costs of such repavement, required to be paid by the corporation including the cost as to intersections. One-half of the entire cost of such repavement shall be assessed upon the parcels of land abounding or abutting upon the streets, avenues, highways or alleys so repaved in the manner provided by law for improvement of streets or alleys.

4. In order to provide a fund for carrying on said repaving, and paying so much of the cost thereof as is herein provided to be paid by the city at large, it shall be lawful for said board of administration or board of city affairs or their successors in office to issue bonds in the name of such city, under the corporate seal thereof, in addition to any amounts now authorized by law for such purposes, during each year of the four fiscal years following the passage of this act, in such amounts as they may deem necessary, not to exceed in any one year the sum of one hundred thousand dollars, in addition to the amounts now authorized by law; provided, that all of said sum for which bonds may be issued during any one year need not be expended or paid out during the year in which said bonds are issued. Said bonds shall be made payable in not less than ten years and not more than twenty years from the date of their issue, and bear interest at a rate not exceeding four per centum per annum; said bonds shall be signed by the president of said board of administration or board of city affairs or their successors in office and attested by the mayor of such city, and a tax which it shall be the duty of the council of said city, or their successors in office, annually to levy upon all the taxable property of such city, and certify the same to the county auditor, upon a certificate to that effect, from the board of administration or board of city affairs or their successors in office, as the amount necessary to pay the interest thereon, and to provide a sinking fund for the final redemption of said bonds. The tax shall be in addition to the amount now authorized by law to be levied for municipal purposes.

5. Said board of administration or board of city affairs or their successors in office, shall receive bids for said bonds, from time to time as they are issued, after advertising the same for sale once per week, for four consecutive weeks, on the same day of the week, in some newspaper of general circulation in such city, and shall sell the same for not less than the par value thereof, to the highest bidder; the money arising from the sale of said bonds shall be placed in a fund to be called "the repavement fund," and a careful account of the condition of said fund shall be separately

kept by the city comptroller or auditor or his successor in office.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,

Speaker of the House of Representatives.

ASAHIEL W. JONES,

President of the Senate.

Passed April 26, 1898.

267G

[House Bill No. 883.]

AN ACT

To amend section 1744a of the Revised Statutes of Ohio.

Officers: powers and duties:

Police judge in Dayton to perform and exercise powers and jurisdiction of mayor; compensation of mayor; how payable; office of clerk of mayor's court abolished.

Repeals.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1744a of the Revised Statutes be and is hereby so amended as to read as follows:

Sec. 1744a. That in cities of the second grade of the second class the powers and jurisdiction of the mayor, as provided in section 1744, Revised Statutes, shall be performed, enforced and exercised by the police judge herein provided for. And the mayor in such cities shall receive an annual salary of eight hundred dollars, payable monthly from the city treasury; in such cities of the second grade of the second class, the office of clerk of the mayor's court is hereby abolished.

SECTION 2. That said original section 1744a be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force on and after its passage.

HARRY C. MASON,

Speaker of the House of Representatives.

THADDEUS E. CROMLEY,

President pro tem. of the Senate.

Passed April 26, 1898.

268G

[House Bill No. 821.]

AN ACT

To amend section 1136—1 of the Revised Statutes of Ohio.

County treasurer:

County depository.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1136—1 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 1136—1. In each county where depositories are not otherwise authorized by law, the commissioners thereof may designate in the manner hereinafter provided, a bank situated in such county, and duly incorporated under the

laws of this state, or of the United States as a depository of the money of the county; provided, that in any county where no such bank exists, that the commissioners of said county may designate any other bank located and doing business in the county.

SECTION 2. That said original section 1136—1 of the Revised Statutes is hereby repealed, and this act shall take effect and be in force from and after its passage. Repeals, etc.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHUEL W. JONES,
President of the Senate.

Passed April 26, 1898.

269G

[House Bill No. 819.]

AN ACT

To amend section 2440 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2440 of the Revised Statutes be so amended as to read as follows:

Fire department:

Sec. 2440. The board shall have power to appoint a fire marshal, who shall be the executive officer of the board, and have the active management of the fire department when in service, and such number of assistant fire marshals as may, in the judgment of the board, be required for an effective management of the department, whose terms of office shall be three years, and until their successors are elected and qualified. And the board shall appoint such other officers and employes as may be necessary for the efficient management of the department, who shall hold their positions until removed by death, resignation, or for incompetency, inefficiency, permanent disability, insubordination, or violation of a rule or regulation of the department. No member or officer shall be appointed or removed on account of his religious or political opinion, nor shall any officer or member participate in political conventions, or primary convocations of any political party whatever. The board shall fix the salaries and prescribe the duties of the fire marshal, assistants, and of all officers and members of the department, provided, however, that as to the following officers and members of the department the annual salaries shall be fixed within the following prescribed limits, viz.: Fire marshal, not less than \$3,000, nor more than \$3,500; first assistant fire marshal, not less than \$2,000 nor more than \$2,500; other assistant fire marshals, not less than \$1,800, nor more than \$2,200; secretary, not less than \$1,800, nor more than \$2,200; assistant secretary, not less than \$1,080, nor more than \$1,150; captains, not less than \$1,260, nor more than \$1,400; lieutenants, not less than

Appointment of fire marshal and other officers.

Salaries.

\$1,116, not more than \$1,200; engineers, not less than \$1,200, nor more than \$1,350; stokers or assistant engineers, not less than \$1,080, nor more than \$1,150; pipemen, truckmen, linemen, or repairers, drivers and plugmen, not less than \$1,080, nor more than \$1,150; assistant superintendent of fire alarm telegraph, not less than \$1,600, nor more than \$1,800; operators, not less than \$1,140, nor more than \$1,200; assistant operators, not less than \$600, nor more than \$900; and the said annual salaries shall be payable semi-monthly.

Repeals.

SECTION 2. That original section 2440 of the Revised Statutes be, and the same is hereby repealed.

SECTION 3. This act shall be in force and take effect from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 25, 1898.

270G

[House Bill No. 836.]

AN ACT

Making appropriations to pay deficiencies and liabilities existing prior to February 15, 1898.

Appropriations
to pay deficiencies and liabilities.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sums be and are hereby appropriated out of any moneys in the treasury to the credit of the general revenue fund not otherwise appropriated, to pay deficiencies and liabilities, as herein specified, existing prior to February 15, 1898, to wit:

Ohio National Guard.

Per diem and subsistence Cos. B and D, 3d infantry, on duty at Urbana.....	\$ 1,533 25
Per diem and subsistence Co. M, 5th infantry, on duty at Fairport.....	310 51
Per diem and subsistence, 5th infantry, acting in aid of civil authority, Cleveland, July and August, 1896.....	18,171 08
Per diem and subsistence, 5th infantry, acting in aid of civil authority, July and August, 1896, Berea quarries.....	10,390 16
General court martial 5th infantry.....	7,159 55
Court of inquiry battery A.....	190 70
Transportation	8,500 00
For payment of interest on Ohio national guard liabilities	2,965 93
Costs in armory rent cases at Canton, 1896..	86 02
Uniforms for naval brigade.....	4,960 00

Rent of armories.....	1,803 10	Appropriations to pay deficiencies and liabilities.
Shipping report of Chickamauga commission.	300 00	
William Taylor, merchandise purchased in 1891	58 95	
Horses lost in service of state.....	318 00	
Ohio national guard duty during floods of 1898	1,590 18	
Subsistence and horse hire for 17th Ohio national guard	939 60	

State House and Grounds.

Electric light, state house.....	\$ 12,704 61
The Columbus electric light company for wire, fixtures and iron electric light poles for arc lights	500 00
Charles A. Klie, plumbing bill, 1895.....	46 90

Agricultural Experiment Station.

Substations for field experiments.....	\$ 350 00
General repairs, labor and supplies.....	1,100 00

State Board of Agriculture.

Cutting window in office.....	\$ 200 00
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Attorney-General.

Contingent expenses	\$ 169 75
Osborne and Reynolds for legal services in soldiers' and sailors' orphans' home habeas corpus case.....	100 00
Jones and Anderson for services as attorneys in case of state of Ohio ex rel. vs. John W. Baker et al.....	150 00

Board of Arbitration.

Expenses of board.....	\$ 4,000 00
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Board of Public Works.

Canal repairs	\$ 23,400 00
Canal repairs, Miami and Erie canal.....	11,176 97
Peter Fornoff, damage claim.....	220 00
Canal repairs, southern division Ohio canal..	4,944 75

Canal Commission.

Expenses of sale Walhonding canal.....	\$ 126 00
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Dairy and Food Commissioner.

Inspection and prosecutions, publication and payment of clerks and stenographer.....	2,500 00
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Appropriations
to pay deficiencies and liabilities.

Fish and Game Commission.

Expenses of fish and game commission..... \$ 3,000 00

Workshops and Factories.

Salaries of two bakeshop inspectors..... \$ 3,774 12

Additional salary high explosive inspector.. 1,388 86

Legislature.

Carpets, matting and renovating carpets for senate \$ 1,077 87

Carpets, matting and renovating carpets for house 884 88

Care of both houses..... 100 00

Plumbing for senate..... 206 90

Superintendent of Insurance.

Extra clerks \$ 1,200 00

Furniture, carpets and repairs..... 500 00

Expenses of examination..... 153 00

For legal services..... 2,000 00

Bureau of Building and Loan Associations.

Salary of clerk..... \$ 204 39

Salaries of extra clerks..... 825 00

Contingent expenses 121 50

Supervisor of Public Printing.

Printing and mounting maps for legislature. \$ 5,600 00

State binding 15,000 00

Treasurer of State.

Collecting auditor of state's drafts..... \$ 375 00

Ohio Penitentiary.

Salaries of guards..... \$ 11,542 67

Ordinary repairs 2,802 82

Frank Koehne, for services by order of board of managers 250 00

Ohio State Reformatory.

Salaries of officers and guards..... \$ 7,039 55

Clothing 1,287 33

Columbus State Hospital.

New boilers \$ 13,000 00

Ordinary repairs 2,929 01

Dayton State Hospital.

Drilling test wells..... \$ 1,500 00

Ordinary repairs 375 00

Toledo State Hospital.

Salaries of officers and trustees' expenses....	\$ 82 00	Appropriations to pay deficiencies and liabilities.
Elevator for boiler house.....	500 00	
Addition to laundry building and machinery.	5,500 00	
Finishing and equipping addition to laundry building	5,000 00	
Ordinary repairs	375 00	

Boys' Industrial School.

Water supply, sewerage and sewerage disposal	\$ 1,500 00
Expert engineers to investigate sewerage and water system	500 00

Institution for Deaf and Dumb.

Ordinary repairs	\$ 1,400 00
Ordinary repairs	1,101 55

Hospital for Epileptics.

Construction	\$ 10,461 58
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Miscellaneous.

A. G. Fauley, for painting portrait of Hon. Wm. McKinley	\$ 500 00
Retouching portrait of Gov. Bishop.....	50 00
Inaugural expenses	519 35
Martin Dodge, expenses incurred as president road commission and compensation....	2,000 00
Expense of Ohio centennial commission....	199 50
Wm. T. Clark, attorney court martial 5th regiment Ohio national guard.....	1,325 00
John J. Clark, father of Robert V. Clark, late private of company L, 8th regiment infantry, Ohio national guard, and now living at Canton, Stark county, Ohio, the sum of two hundred and five dollars, which shall be in full liquidation and payment to the family of said Robert V. Clark, who died from disease contracted in the line of his duty as a member of the Ohio national guard while aiding in suppressing disturbances near Wheeling creek in 1894.....	205 00
Sallie T. Brown, for services as clerk in the house	50 00
Edward H. Fitch's estate, expenses and compensation	1,620 64
Harter and Cosley for material furnished company K, 5th regiment, O. N. G.....	7 05
Expenses of commission for interchange of products between public institutions....	1,500 00
For costs and expenses incurred by Pickaway county in the case of the state of Ohio vs. Alonzo B. Coit.....	2,800 00

SECTION 2. The moneys herein appropriated to pay liabilities existing prior to February 15, 1898, which were not incurred in accordance with law, shall not be available until on or after July 15, 1898, and it shall be the duty of the auditor of state to see that these provisions are complied with.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 25, 1898.

271G

[House Bill No. 842.]

AN ACT

Making appropriations for the last three-quarters of the fiscal year ending November 15, 1899, and the first quarter of the fiscal year ending February 15, 1900.

General appro-
priations for
1899 and 1900.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sums, for the purposes hereinafter specified, are appropriated out of any moneys in the state treasury to the credit of the general revenue fund not otherwise appropriated, subject to draft on and after February 16, 1899, to wit:

Adjutant General's Department.

Salary of adjutant general.....	\$ 2,000 00
Salary of assistant adjutant general.....	1,500 00
Salary of chief clerk.....	1,400 00
Salaries of clerks.....	6,000 00
Salary of superintendent of state arsenal.....	1,400 00
Transportation of indigent soldiers.....	200 00
Contingent expenses and inspections.....	2,500 00
Salary of stenographer.....	600 00

Ohio National Guard.

Pay of Ohio national guard.....	\$ 45,000 00
Subsistence of Ohio national guard.....	15,500 00
Fuel, lumber, straw and medical supplies, Ohio national guard	3,500 00
Transportation Ohio national guard.....	14,000 00
Horse hire Ohio national guard.....	4,000 00
Forage for horses Ohio national guard.....	600 00
Incidental expenses of military companies...	16,000 00
Uniforms, overcoats and blankets.....	10,000 00
Tents and repairs.....	4,000 00
Care of military stores and freight on arms..	1,000 00
Rent of armories	33,600 00

Improvement state camp-ground at Newark.	5,000 00	General appropriations for 1899 and 1900.
Repair of state arsenal.....	100 00	

State House and Grounds.

Salary of superintendent of labor.....	\$ 900 00
Salary of engineer	1,000 00
Salaries of two firemen.....	1,540 00
Salary of visitor's attendant.....	720 00
Salary of janitor of flag room.....	720 00
Salary of day policeman.....	720 00
Salary of night policeman.....	800 00
Salaries of four (4) regular laborers.....	2,504 00
Extra labor	2,000 00
Fuel for state house.....	1,800 00
Material and repairs.....	2,400 00
Care and repair of heating apparatus.....	1,425 00
Water rent	667 00
Flags for state house.....	100 00
Electric light for state house.....	7,200 00

Agricultural Experiment Station.

Expenses of board of control.....	\$ 300 00
Bulletin illustration	400 00
Special work in entomology, botany, horticulture and chemistry	3,000 00
Substations for field experiments.....	2,800 00
General repairs, labor and supplies.....	3,500 00

Attorney-General.

Salary of attorney-general.....	\$ 1,500 00
Fees on collections.....	1,500 00
Salary of assistant attorney-general.....	1,500 00
Salary of clerk.....	900 00
Contingent expenses	900 00
Books and furniture.....	125 00
Assistant counsel	5,300 00

Auditor of State.

Salary of auditor of state.....	\$ 3,000 00
Salary of chief clerk.....	2,400 00
Salary of railroad and bank clerk.....	1,950 00
Salary of book-keeper.....	1,950 00
Salary of land clerk.....	1,500 00
Salary of canal and trust fund clerk.....	1,400 00
Salary of statistician.....	1,350 00
Salary of corresponding clerk.....	800 00
Salaries of excise clerks.....	2,850 00
Transcribing land records.....	1,500 00
Contingent expenses	3,000 00
Carpets, furniture and repairs.....	150 00
Collecting excise taxes.....	500 00

General appropriations for
1899 and 1900.

Land Department.

Transcribing records \$ 1,350 00

State Archaeological and Historical Society.

Expenses \$ 2,000 00
Care of Fort Ancient..... 500 00
Publications 700 00
Field work 500 00

State Board of Agriculture.

Encouragement of agriculture..... \$ 10,000 00
Contingent expenses 2,400 00
Crop and stock reporting service..... 2,400 00

State Board of Appraisers and Assessors.

Salaries of members..... \$ 4,500 00
Contingent expenses 1,000 00

Board of Arbitration.

For per diem and expenses of members..... \$ 3,000 00

Board of State Charities.

Expenses of board..... \$ 5,000 00

Board of Health.

Expenses of board..... \$ 14,000 00

Board of Pardons.

Salaries of members..... \$ 3,000 00
Salary of secretary..... 300 00
Expenses of board..... 800 00

Board of Public Works.

For keeping in repair and improvement of
Miami and Erie canal, all of its earnings
and balances, and..... \$ 7,000 00
For constructing culverts at Dutch run and
other places along the Miami and Erie
canal, in Paulding county five thousand
dollars, to be paid out of the earnings of
the Miami and Erie canal, the location of
said culverts to be determined by the com-
missioners of Paulding county and the chief
engineer of the state board of public works 5,000 00
For making repairs and improving banks of
Lewiston reservoir, now known as Indian
lake 4,000 00
For the northern division of Ohio canal and
Walhonding canal, all its earnings and
balances, and 24,000 00
For the southern division of Ohio canal, all of
its earnings and balances, and..... 28,000 00

Provided, That should either division of the Ohio canal or both be sold or abandoned, the foregoing amount shall revert to the state treasury.

General appropriations for 1899 and 1900.

Salaries of members.....	2,400 00
Salaries of engineers.....	3,600 00
Salary of secretary.....	1,500 00
Salary of clerk.....	700 00
Traveling expenses of members.....	1,800 00
Contingent expense	500 00

Canal Commission.

Salary of canal commission.....	\$ 3,000 00
Expenses of canal commission.....	5,600 00

Dairy and Food Commission.

Salary of commissioner.....	\$ 2,000 00
Expenses of commissioner.....	1,200 00
Salaries of assistant commissioners.....	2,000 00
Expenses of assistant commissioners.....	1,600 00
Inspection, analysis, publication and payment of clerks and stenographer.....	20,000 00
Attorneys fees, to be expended according to the provisions of section 202, as amended	15,000 00
Contingent expenses	800 00

Fish and Game Commission.

Expenses of commission	\$ 10,000 00
Maintaining pheasantry	4,000 00
Maintaining fish pond.....	1,000 00

Live Stock Commission.

Expenses of commission.....	\$ 3,000 00
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Commissioner of Labor Statistics.

Salary of commissioner.....	\$ 2,000 00
Traveling expenses of commissioner.....	550 00
Salary of chief clerk.....	1,300 00
Salaries of two clerks.....	1,320 00
Salary of stenographer.....	720 00
Contingent expenses	8,500 00

Printing Commission.

For printing paper.....	\$ 30,000 00
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Commissioner of Common Schools.

Salary of commissioner.....	\$ 2,000 00
Salary of chief clerk.....	1,750 00
Salary of statistical clerk.....	1,200 00
Salary of stenographer.....	600 00
Traveling expenses of commisssioner.....	750 00

General appro-
priations for
1899 and 1900.

Contingent expenses	900 00
Boxing and shipping	300 00
Per diem and expenses of state board of exam- iners	750 00
Furniture and repairs	190 00

Commissioner of Railroads and Telegraphs.

Uses and purposes..... \$ 6,000 00

Provided, however, that said sum shall be deducted from the assessment of railroad companies for 1899, due and payable in the state treasury on or before August 1, 1899, pursuant to "An act to provide for annual reports of railroad companies to the commissioner of railroads and telegraphs, and providing means for maintaining police supervision of said railroads," passed April 19, 1894, and the auditor of state is hereby authorized and directed to make such deductions.

For the uses and purposes of the commissioner of railroads and telegraphs offices, \$15,000, or so much thereof as may be paid into the state treasury pursuant to an act entitled "An act to provide for annual reports of railroad companies to the commissioner of railroads and telegraphs and providing means for maintaining police supervision of said roads," passed April 19, 1894, and from the moneys herein appropriated the following salaries shall be paid:

Salary of commissioner.....	3,000 00
Salary of chief clerk.....	2,000 00
Salary of inspector.....	1,200 00
Salary of statistician.....	1,200 00
Salary of recording clerk.....	1,200 00
Salary of one clerk.....	1,200 00

Executive Department.

Salary of governor	\$ 8,000 00
Salary of lieutenant-governor.....	800 00
Salary of private secretary.....	800 00
Salary of executive clerk.....	1,800 00
Salary of commission clerk.....	1,500 00
Salary of corresponding clerk.....	1,500 00
Contingent expenses	2,400 00

State Horticultural Society.

Expenses of state horticultural society..... \$ 1,000 00

Chief Inspector of Mines.

Salary of chief inspector.....	\$ 2,000 00
Salaries of district inspectors.....	8,400 00

Clerk hire	1,050 00	General appropriations for 1899 and 1900.
Salary of stenographer.....	600 00	
Contingent expenses	5,400 00	
Attorneys fees	200 00	
Furniture and repairs.....	200 00	

Inspector of Workshops and Factories.

Salary of chief inspector.....	\$ 2,000 00
Traveling expenses of chief inspector.....	500 00
Salaries of district and bakeshop inspectors (thirteen)	13,000 00
Traveling expenses of district and bakeshop inspectors	6,500 00
Clerk hire	4,500 00
Additional salary high explosive inspector....	800 00
Contingent expenses	1,100 00
Furniture and repairs.....	100 00
Scientific appliances	200 00

Judiciary.

Salaries of judges.....	\$ 345,000 00
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Law Library.

Salary of librarian	\$ 1,500 00
Salary of assistant law librarian.....	1,200 00
Books and catalogueing.....	2,500 00
Contingent expenses	300 00

Legislature.

For salaries of members of general assembly, to be paid in one installment on or after February 16, 1899	\$ 87,000 00
Expenses of legislative committee.....	1,000 00
For the clerks of the senate and house of rep- resentatives, twenty-five hundred dollars, each which may be paid to them in semi- monthly installments on vouchers drawn and properly receipted by each; and this amount shall be in lieu of all compensa- tion or allowances provided for in sec- tions 41 and 43 of the Revised Statutes....	5,000 00
For the payment of the sergeant-at-arms of the house	500 00
For the payment of the sergeant-at-arms of the senate	500 00
To be paid said sergeants-at-arms on approval of the auditor of state in four equal monthly installments, beginning January 31, 1899.	
Contingent expense of senate clerk.....	150 00
Contingent expense of house clerk.....	150 00
Contingent expense for care of both houses..	1,800 00

General appro-
priations for
1899 and 1900.

For Frederick Blankner, third assistant sergeant-at-arms of the house, for taking charge of senate chamber, hall of the house and committee rooms during the year 1899, and for taking care of the bill-books and other property of the members, as requested by them, sixteen hundred (\$1,600) dollars, to be paid to him in semi-monthly installments on the warrant of the auditor of state. For an assistant for said Frederick Blankner in the performance of the foregoing duties at the rate of two dollars per day, when by him necessarily employed, six hundred dollars (\$600), to be paid to said assistant on the warrant of the auditor of state, twenty-two hundred dollars..... 2,200 00

Prosecution and Transportation of Convicts.

Prosecution and transportation of convicts to Ohio penitentiary, reformatory and boys' industrial school \$ 150,000 00

Prosecution Ohio War Claims Against General Government.

Salary of agent..... \$ 1,500 00
Expenses of agent..... 600 00

Secretary of State.

Salary of secretary of state..... \$ 2,000 00
Salary of state supervisor of elections..... 1,000 00
Salary of chief clerk..... 2,400 00
Salary of statistical clerk..... 1,350 00
Salary of stationery clerk..... 1,350 00
Salary of proof reading clerk..... 1,350 00
Salary of corporation clerk..... 1,350 00
Salary of assistant corporation clerk..... 1,350 00
Salary of recording clerk..... 1,350 00
Salary of superintendent of book room..... 1,000 00
Salary of stenographer..... 1,250 00
Contingent expenses 1,600 00
Distribution of books..... 3,000 00
Stationery 9,000 00
Steel file cases, furniture and repairs..... 1,400 00

State Library.

Salary of librarian \$ 1,500 00
Salary of assistant librarian..... 1,200 00
Salary of stenographer..... 720 00
Salary of janitor 900 00
Contingent expenses and extra labor..... 1,200 00
Books and papers..... 2,500 00
Traveling library.... 4,000 00

Superintendent of Insurance.

Salary of superintendent	\$ 2,000 00	General appropriations for 1899 and 1900.
Salary of deputy superintendent.....	1,800 00	
Salary of examining clerk.....	1,500 00	
Salary of book-keeper.....	1,500 00	
Salary of statistical clerk.....	1,500 00	
Salary of corresponding clerk.....	1,200 00	
Salary of license clerk.....	1,000 00	
Salary of mailing clerk.....	1,000 00	
Salaries extra clerks.....	2,000 00	
Salary of janitor.....	600 00	
Salary of actuary.....	250 00	
Contingent expenses	1,900 00	
Furniture, repairs and carpets.....	150 00	

Bureau of Building and Loan Associations.

Salary of inspector.....	\$ 1,000 00
Salary of deputy inspector.....	1,800 00
Salary of chief clerk.....	1,200 00
Salary of clerk	1,000 00
Salary of extra clerks.....	800 00
Salary of mailing clerk.....	200 00
Salary of janitor.....	120 00
Contingent expenses	600 00

Supervisor of Public Printing.

State printing	\$ 40,000 00
State binding	45,000 00
Salary of supervisor.....	2,000 00
Contingent expenses.....	250 00

Supreme Court.

Salary of stenographer.....	\$ 1,200 00
Contingent expenses	300 00
Furniture, cleaning and repairs.....	100 00
Salary of janitor.....	1,000 00
Salary of messenger.....	1,000 00

Clerk of the Supreme Court.

Salary of clerk.....	\$ 1,500 00
Salary of first deputy.....	1,450 00
Salary of second deputy.....	1,250 00
Salary of stenographer.....	800 00
Salary of janitor.....	200 00
Contingent expenses	500 00

Reporter of the Supreme Court.

Salary of reporter.....	\$ 1,500 00
Contingent expenses	800 00

General appro-
priations for
1899 and 1900.

Treasurer of State.

Salary of treasurer of state.....	\$ 3,000 00
Salary of cashier.....	2,400 00
Salary of two book-keepers.....	3,300 00
Salary of two night watchmen.....	1,800 00
Salary of corresponding clerk.....	600 00
Contingent expenses	1,200 00
Collecting auditor of state's drafts.....	2,500 00

Ohio Penitentiary.

Per diem of managers.....	\$ 5,000 00
Salaries of officers.....	25,000 00
Salaries of guards.....	90,000 00
Current expenses	197,000 00
Ordinary repairs	17,000 00
Manufacture of gas and improvement of lights	16,000 00
Rewards to discharged convicts.....	34,000 00
Sewerage and water-works.....	4,000 00
Expenses of executions.....	2,000 00
Moral and religious instruction and library..	750 00

Ohio State Reformatory.

Salaries of managers.....	\$ 3,000 00
Salaries of officers.....	23,000 00
Salaries of guards.....	33,000 00
Current expenses	80,000 00
Ordinary repairs	3,000 00
Rewards	5,000 00
Furniture, carpets and bedding.....	2,000 00
Library	300 00
Construction	75,000 00

Athens State Hospital.

Current expenses	\$ 112,000 00
Salaries of officers and trustees' expenses....	5,800 00
Ordinary repairs and improvements, includ- ing furniture and carpets.....	12,000 00
Books and pictures for wards.....	200 00
For purchase of land.....	4,500 00

Cleveland State Hospital.

Current expenses	\$ 143,000 00
Salaries of officers and trustees' expenses....	6,600 00
Ordinary repairs and improvements, includ- ing furniture, carpets and bedding.....	10,000 00
Books, pictures and surgical instruments....	200 00
Electric light plant.....	5,000 00

Columbus State Hospital.

Current expenses	\$ 175,000 00
Salaries of officers and trustees' expenses....	7,100 00
Ordinary repairs and improvements.....	12,000 00

Dayton State Hospital.

Current expenses	\$ 107,000 00	General appropriations for 1899 and 1900.
Salaries of officers and trustees' expenses....	6,000 00	
Ordinary repairs and improvements, including furniture and carpets.....	10,000 00	
Water-works	8,000 00	
For purchase of land.....	10,000 00	

Longview State Hospital.

Current expenses	\$ 155,000 00
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This sum is for the support of the insane in said institution, and shall be paid into the county treasury of Hamilton county monthly, as may be necessary in payment of the current expenses of said institution. Requisitions shall be made by the trustees of said hospital upon the auditor of Hamilton county, and copies thereof furnished to the auditor of state, whereupon he shall issue his warrant upon the state treasurer in favor of the treasurer of Hamilton county for such amount, and said appropriations shall discharge the state from all legal and equitable obligations to said institution for the year commencing February 15, 1899, and ending February 15, 1900.

Massillon State Hospital.

Current expenses	\$ 60,000 00
Salaries of officers and trustees' expenses....	5,000 00
For construction of cottages, office building, auditorium and superintendent's residence	100,000 00
Purchase of land and buildings, to be available after completion of switch.....	10,000 00

Toledo State Hospital.

Current expenses	\$ 176,000 00
Salaries of officers and trustees' expenses....	7,100 00
Ordinary repairs and improvements, including furniture and carpets.....	15,000 00
Enlarging and remodeling cottages and wards	15,000 00
Hospital and furnishing.....	27,000 00
Purchase of eighty-four acres of land.....	15,000 00

Boys' Industrial School.

Current expenses	\$ 68,000 00
Salaries of officers and teachers and trustees' expenses	35,000 00
Ordinary repairs and improvements, including furniture and carpets.....	8,000 00
Rewards	800 00
Ministerial and lectures.....	300 00
Amusements	300 00

General appro-
priations for
1899 and 1900.

Water supply, sewerage and sewerage disposal	12,000 00
Construction of cottage.....	8,000 00
Provided that the exceptions to the penitentiary in section 782, Revised Statutes of Ohio, shall be extended to the boys' industrial school.	

Girls' Industrial Home.

Current expenses	\$ 17,000 00
Salaries of officers and teachers and trustees' expenses	18,500 00
Ordinary repairs and improvements, including furniture, carpets, library and music.	8,000 00
Expenses of lady visiting committee.....	100 00
Religious services	300 00
Amusements	250 00

Institution for the Blind.

Current expenses	\$ 48,000 00
Salaries of officers and teachers, and trustees' expenses	15,000 00
Ordinary repairs and improvements, including furniture and carpets.....	9,000 00
Oculist	750 00

*Institution for the Education of the Deaf. *

Current expenses	\$ 60,000 00
Salaries of officers and teachers and trustees' expenses	31,500 00
Ordinary repairs and improvements, including furniture and carpets.....	7,000 00
Foremen and supplies of the industrial department	5,500 00
Lumber and nails for boxes.....	1,000 00
For completion of school building and electric light plant	60,000 00

Institution for the Feeble-Minded Youth.

Current expenses	\$ 118,000 00
Salaries of officers and teachers and trustees' expenses	17,500 00
Ordinary repairs and improvements, including furniture and carpets.....	12,000 00
For constructing hospital and balance.....	10,000 00
Provided that the exceptions to the penitentiary in section 782, Revised Statutes of Ohio, shall be extended to the institution for feeble-minded youth.	

Ohio Soldiers' and Sailors' Home.

Current expenses and clothing, balances, amount received from the general government, and	\$ 66,000 00
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Salaries of officers and trustees' expenses....	8,500 00	General appropriations for 1899 and 1900.
Ordinary repairs and improvements, including furniture, carpets and bedding.....	12,000 00	

Ohio Soldiers' and Sailors' Orphans' Home.

Current expenses	\$ 118,000 00
Salaries of officers and teachers and trustees' expenses	25,500 00
Ordinary repairs and improvements, including furniture and carpets.....	14,000 00
Industrial pursuits	8,000 00
Salaries of foremen and instructors.....	10,000 00
Net earnings	2,200 00
Amusements	500 00
Services in chapel.....	300 00
Support of orphans outside.....	3,500 00
For library and school books and magazines.	500 00
New boilers	1,800 00

Ohio Hospital for Epileptics.

Current expenses	\$ 115,000 00
Salaries of officers and trustees' expenses....	9,900 00
Ordinary repairs and improvements.....	8,000 00
Transportation of inmates to and from hospital	3,000 00
For construction	42,500 00

Miscellaneous.

Pension for Mrs. J. P. Brush.....	\$ 96 00
Painting portrait of Gov. Bushnell.....	500 00
Thomas McDougal, in full for legal services in Nichols tax cases.....	7,500 00
John K. Richards, in full for legal services in Nichols tax cases.....	7,500 00

SECTION 2. The moneys appropriated in the preceding section shall not be used or paid out for purposes other than those for which said sums are specifically appropriated as aforesaid.

SECTION 3. No bills for clerk hire, for furniture or carpets, or for newspapers shall be made out of appropriations made for contingent expenses; and no money herein appropriated shall be drawn except on a requisition on the auditor of state, approved by the head of each department or the trustees of the institution, which shall set forth the service rendered or material furnished, and the date of purchase and the time of service, and it shall be the duty of the auditor of state to see that these provisions are complied with. No bills for extra clerk hire in favor of any clerk or clerks, while drawing salaries from the state, shall

be allowed from any amount hereby appropriated, and this act shall take effect on its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 25, 1898.

272G

[Senate Bill No. 319.]

AN ACT

To amend section 6723 of the Revised Statutes.

Jurisdiction in
error:

Proceedings in
error; limita-
tions.

Repeals, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 6723 of the Revised Statutes be amended to read as follows:

Sec. 6723. No proceedings to reverse, vacate or modify a judgment or final order shall be commenced, unless within four months after the rendition of the judgment or the making of the final order complained of; or in case the person entitled to such proceedings is an infant, a person of unsound mind or imprisoned, within four months as aforesaid, exclusive of the time of such disability.

SECTION 2. That said section 6723 be repealed, and this act shall take effect from and after September 1, 1898.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 25, 1898.

273G

[House Bill No. 865.]

AN ACT.

To amend section 2468 of the Revised Statutes of Ohio, as amended April 27, 1896.

Fire depart-
ment:

Officers and
salaries in
Cleveland.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2468 of the Revised Statutes of Ohio as amended April 27, 1896, be amended so as to read as follows:

Sec. 2468. In all cities of the second grade of the first class there shall be one chief of the fire department whose salary shall be not less than thirty-five hundred dollars nor more than thirty-six hundred dollars per annum; and a first, second, third, fourth, fifth and sixth assistant chief, each of whom shall receive a salary of eighteen hundred dollars per annum; and other members of such department not otherwise provided for by law shall receive the

following annual salaries: Captains not less than ten hundred and eighty dollars nor more than fifteen hundred dollars; engineers not less than ten hundred and eighty dollars nor more than fifteen hundred dollars; lieutenants not less than nine hundred and sixty dollars nor more than thirteen hundred and fifty dollars; assistant engineers not less than nine hundred and sixty dollars nor more than thirteen hundred and fifty dollars; chief operator not less than twelve hundred dollars nor more than fifteen hundred dollars; operators not less than nine hundred and sixty dollars nor more than thirteen hundred and fifty dollars; store-keeper not less than nine hundred and sixty dollars nor more than thirteen hundred and fifty dollars; firemen not less than nine hundred dollars nor more than twelve hundred dollars; linemen not less than nine hundred and sixty dollars nor more than twelve hundred dollars; superintendent of machinery not less than thirteen hundred dollars nor more than eighteen hundred dollars; secretary not less than sixteen hundred dollars nor more than two thousand dollars; the pay in all cases except as otherwise provided to be fixed by the city council and the salaries to be paid semi-monthly to the persons entitled thereto.

SECTION 2. That said original section 2468 of the Revised Statutes of Ohio as amended April 27, 1896, be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 26, 1898.

274G

[House Bill No. 858.]

AN ACT

To amend section 4607 of the Revised Statutes of Ohio, as amended April 13, 1892 (89 O. L., 257).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4607 of the Revised Statutes of Ohio, as amended April 13, 1892 (89 O. L., 257), be amended so as to read as follows: Levees:

Sec. 4607. When it becomes necessary to repair any levee constructed under the provisions of this chapter or under any other law, or under any agreement of the owners of the lands affected by such levee, the same shall be done under the provisions of this chapter, and the proceedings therefor shall conform as far as possible to proceedings under this chapter for the location of a levee; provided, however, that in counties containing a city of the first grade of the second class when such repair shall be made necessary by reason of the destruction of such levee by a sudden Repair of levees.

Repair of levees
in Franklin
county: issue
of bonds.

flood the board of county commissioners of such county if in their judgment they shall deem it to be necessary for public health, convenience or welfare to make such repair without delay at the expense of such county, shall therefor have the power to issue the bonds of such county in the aggregate sum not to exceed fifteen thousand dollars (\$15,000) as other bonds of said county are issued, and shall further have the power to advertise for bids for a period of ten (10) days by publication in such manner as is otherwise provided by law, and shall enter into a written contract with the lowest and best bidder for the making of such repairs according to the plans and specifications therefor which shall be made prior to the invitation for such bids by the county engineer of such county, the due performance of such contract to be secured by bond in such sum and with such sureties as shall be required by the said board of county commissioners. After the making of such repairs at the expense of such county, such levee shall thereafter be kept in repair according to the other provisions of this chapter.

Repeals.

SECTION 2. That section 4607, as the same was amended April 13, 1892 (89 O. L., 257), be and the same is hereby repealed.

SECTION 3. That this act shall be in force on and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 26, 1898.

275G

[House Bill No. 864.]

AN ACT

To amend section 1939 of the Revised Statutes of the state of Ohio, as amended April 4, 1894 (91 O. L., 117).

Police boards
and officers:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1939 of the Revised Statutes of Ohio as amended April 4, 1894, be amended so as to read as follows:

Compensation
and salaries of
officers and
patrolmen in
Cleveland.

Sec. 1939. In all cities of the second grade of the first class the following officers and patrolmen of the police force shall receive the following salaries per annum: The superintendent not less than thirty-five hundred dollars and not more than thirty-six hundred dollars; deputy superintendent not less than two thousand dollars and not more than twenty-five hundred dollars; each captain not less than fifteen hundred dollars and not more than eighteen hundred dollars; each lieutenant and detective not less than twelve hundred dollars and not more than fifteen hundred dollars; police surgeon not less than thirteen hundred dollars and not more than fifteen hundred dollars;

each sergeant not less than eleven hundred dollars and not more than thirteen hundred dollars; each patrolman not less than seven hundred and eighty dollars and not more than seven hundred and ninety-two dollars for the first year's service; not less than eight hundred and forty dollars and not more than eight hundred and fifty-two dollars for the second year's service; not less than nine hundred dollars and not more than nine hundred and twelve dollars for the third year's service; not less than nine hundred and sixty dollars and not more than nine hundred and seventy-two dollars for the fourth year's service; not less than one thousand dollars nor more than twelve hundred dollars for the fifth and each subsequent year of service, provided patrolmen on said force at the time of the passage of this act shall continue to receive not less than their present salaries per annum; provided further, the director of police shall have the power to appoint one or more of the patrolmen as clerks to the superintendent of police or secretary of the director of police who shall receive a salary and rank of sergeants; the pay in all said cases to be fixed by the city council and the salaries to be paid semi-monthly to the persons entitled thereto.

SECTION 2. That said original section 1939 as amended April 4, 1894, be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 26, 1898.

276G

[House Bill No. 894]

AN ACT

Supplementing section 2515 of the Revised Statutes of Ohio, by adding thereto sections 2515-33a and 2515-33b.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2515 of the Revised Statutes, as heretofore supplemented, be further supplemented by enacting sections 2515-33a and 2515-33b to read as follows:

Sec. 2515-33a. The common council of any city of the third grade of the first class shall have authority, for the term and upon the conditions hereinafter contained, to lease and deliver possession of any park or grounds belonging to such city, or so much thereof as said common council may deem necessary or proper, to any corporation duly incorporated under the laws of the state of Ohio for the purpose only of conducting and holding thereon a public exposition designed for the education, edification and enter-

Parks and
public grounds:

Lease of city
park or
grounds in
Toledo to cen-
tennial expo-
sition company.

tainment of the public, and more especially for the purpose of commemorating the important historic deeds performed in the settlement of the state of Ohio, and showing the great progress made by this state along financial, industrial, commercial and educational lines since the admission of said state into the union. Any lease or leases, however, shall not be for a term extending beyond December 31, 1903. Said common council shall not lease more than one park or tract of ground for said purpose in said city, and not more than nine hundred and fifty acres thereof. Said lease shall contain such provisions as to rental, terms, conditions, and as to the improvement and beautifying of said park or tract of land as the common council may deem best. Said lease shall provide as to the condition in which said park or tract of land shall be left at the expiration of said term, and shall further provide that any and all improvements of every name, nature and description made or placed upon said park or tract of land by the lessee or any subtenant thereof, and remaining upon the said grounds for six months after the expiration of said term, shall thereby at once become and be the property of the said city, and said lessee, or any subtenant thereof, shall in no way, manner or form have any estate, interest or title in or to said park or tract of land six months after the term of said lease. Said lease, after having been approved by the common council, shall be executed in the name of said city by the mayor and clerk thereof.

Issue of bonds
for improve-
ment of park
and grounds.

Sec. 2515—33b. Whenever the authorities of any city of the third grade of the first class shall lease any park or grounds belonging to such city, as provided in supplemental section 2515—33a, the common council of any such city shall have and is hereby given authority to issue bonds not exceeding in amount the sum of one hundred and fifty thousand dollars, which may be sold, or so much thereof as may be deemed necessary, the proceeds of which shall be devoted to no other purpose than to the improvement of such park or grounds so leased, including the erection and construction thereon of any building or buildings, or other structure. Said bonds may be made payable at such time or times as the common council may direct, but not exceeding a term of fifty years, and bear such rate of interest as the common council may determine, not exceeding four per cent., payable annually or semi-annually. Whenever a petition signed by at least fifty citizens of any such city shall be filed with the city clerk asking that a commission be appointed, a commission consisting of nine members shall be appointed as follows, viz.: One member shall be elected by the board of park commissioners of such city; three members shall be elected by the common council of such city, and three members thereof shall upon motion of the city solicitor of any such city, be appointed by the judges of the court of common pleas resident of the county in which any such city is located, and upon like motion of

Commission to
have charge of
expenditure of
proceeds of
bonds; how ap-
pointed.

said city solicitor two members thereof shall be appointed by the probate judge of such county, the members of which commission shall all be citizens of such city, and who shall have charge of the expenditure of the proceeds of such bonds. Said commissioners shall each be required to give bond in the sum of ten thousand dollars for the faithful performance of their duties, conditioned according to law. Said commission shall meet immediately after their appointment and shall elect one of their members as president, and shall also elect a secretary who shall not be a member of such commission, and whose compensation shall be fixed by said commission. Said commission shall have full authority to employ such other and additional clerical or other assistance as they may deem necessary. Said commission shall have full authority to take possession of said park and grounds and to plan and superintend the construction and erection of any and all buildings or other structures upon said park or grounds, and the making of all improvements thereon, and to fully perform on behalf of said city each and all of the obligations imposed upon said city, in accordance with the terms and provisions of the lease executed by such city. The fund realized from the sale of said bonds, or any part thereof, and also any and all monies received from the rent of said park or grounds, or otherwise by said commission, shall be deposited in the city treasury of any such city and shall be drawn and disbursed by said commission in the same manner as the park fund is drawn and disbursed by the park board of any such city. Said commissioners shall each receive the sum of twenty-five dollars per month from said fund in full compensation for their services; said salary to continue only until such time as such improvement and construction shall have been completed. The term of office of said commissioners shall be two years from the date of their appointment, and in the event that such work is not completed the successors to said commissioners may be reappointed for a like term in the same manner as hereinbefore provided. In the event of a vacancy for any cause in said commission such vacancy shall be filled by the same appointing power as made the original appointment.

SECTION 2. Any and all acts or parts of acts inconsistent herewith are hereby declared void as to such inconsistency but not otherwise, and this act shall take effect on its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 25, 1898.

277G

Bond.

Organization ;
secretary ; com-
pensation.

Powers and
duties of com-
mission.

Disposition of
receipts of sale
of bonds and
for rents.

Compensation
of commission-
ers.

Term of office.

Vacancies.

Inconsistent
provisions de-
clared void ; etc.

[House Bill No. 896.]

AN ACT

Making appropriations out of the sinking fund to pay the interest on bonds issued to defray the expenses of the national guard, naval militia and volunteers of the state in defense of the state, and for the interest on bonds issued by the state board of agriculture.

Appropriations
to pay interest
on public debt.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated from any money that may be in the state treasury, or that may come into the state treasury to the credit of the sinking fund not otherwise appropriated, the following sums for the purposes herein named: Sixty thousand (\$60,000) dollars, or so much thereof as may be necessary to pay the interest falling due on January 1, 1899, July 1, 1899, and January 1, 1900, on such sum or sums of money as may be borrowed from time to time by the commissioners of the sinking fund, for the purpose of defraying the expenses of the national guard, naval militia and volunteers of the state in defense of the state, to repel invasion, suppress insurrections and defend the state in war, as authorized and required by an act of the general assembly, passed April 8, 1898. For the purpose of paying the interest on bonds issued by the state board of agriculture, for the extension and improvements of the state fair grounds, as authorized by an act of the general assembly, passed April 12, 1898.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 25, 1898.

278G

[House Bill No. 892.]

AN ACT

Making appropriation for the publishing and distribution of Howe's history of Ohio.

Appropriation
for the publica-
tion of Howe's
historical col-
lections.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund, not otherwise appropriated, the sum of thirteen thousand (\$13,000) dollars, for the purpose of publishing and distributing eight thousand five hundred (8,500) sets of Howe's history of Ohio, in accordance with senate joint resolution, adopted on the second day of February, 1898. The contract for publishing said sets to be

let by the state printing commission, in accordance with the law governing such contracts.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 25, 1898.

279G

[House Bill No. 556.]

AN ACT

To regulate certificate, bond and investment companies, partnerships and associations, other than building and loan companies, and to regulate investment guaranty companies, partnerships and associations doing business on the service dividend plan, and to protect holders of their certificates, debentures and securities.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That every corporation, partnership and association, other than a building and loan company, doing in this state the business of placing or selling certificates, bonds, debentures, or other investment securities of any kind or description, on the partial payment or installment plan, and every investment guaranty company doing business on the service dividend plan, shall, before doing business in Ohio, deposit with the state treasurer twenty-five thousand dollars either in cash or bonds of the United States or of the state of Ohio, or of any county or municipal corporation in the state of Ohio, for the protection of the investors in such certificates, debentures, or other investment securities. And in addition thereto, the said company, partnership or association shall, on or before the tenth day of January of each year, deposit with the said treasurer, either in cash or bonds of the United States or of the state of Ohio, or of any county or municipal corporation in the state of Ohio, ten per cent. of the gross receipts on the amount of business done by it in the state of Ohio for the twelve months next preceding the thirty-first day of December. The said deposit shall be made each year as aforesaid, until the total amount of such cash or bonds so deposited shall be worth one hundred thousand dollars.

Deposit required of bond and investment companies.

SECTION 2. Every such corporation, partnership and association shall, as a condition precedent to transacting business in this state, comply with the following conditions, to wit:

First. It shall file with the inspector of building and loan associations, a certified copy of its charter or articles of incorporation, constitution and by-laws, and other rules and regulations showing its manner of conducting business.

Statement and other papers required to be filed as a condition precedent to engaging in business.

Second. It shall also file with the inspector a statement under oath of the president and secretary or other managing officer in the form by the inspector required, of its business for the preceding year.

Third. It shall also file with the inspector an appointment of a resident attorney in each county within this state in which it does business upon whom service of process may be had, and upon compliance herewith the secretary of state shall issue to the said corporation upon its application all certificates permitted and required to be issued to foreign corporations doing business in Ohio, upon payment of the statutory fees provided by law to be paid therefor.

Inspector to issue certificate.

Revocations.

Interest on deposited securities.

Agents required to be licensed.

Annual statement of companies.

SECTION 3. Whenever such company, partnership or association has complied with the provisions of this act, and the inspector is satisfied that it is doing business in accordance with law, he shall issue to such company, partnership or association a certificate of authority to do business in Ohio. Annually thereafter, upon the filing of the annual statement herein provided for, if the inspector shall be satisfied as aforesaid, he shall issue a renewal of such certificate of authority. And said authority shall be revoked whenever the inspector on investigation or examination finds that such company, partnership or association is not transacting business in accordance with law, or that the statement of its condition and affairs required under the provisions of this act are false and fraudulent, or for failure to file the annual statement.

SECTION 4. Every such company, partnership and association may collect and use the interest of any securities so deposited, so long as it fulfills its obligations and complies with provisions of this act. It may also exchange them for other securities of equal value and satisfactory to the treasurer.

SECTION 5. It shall be unlawful for any agent of every such company, partnership or association to transact business in this state without being first regularly appointed thereby and being licensed by a certificate of authority issued by the inspector.

SECTION 6. Every such corporation, partnership and association doing business in this state shall, annually hereafter, and on or before the tenth day of January, file with the inspector under oath of the president and secretary, or other managing officer in the form by said inspector required, a statement of its business for the twelve months next preceding the thirty-first day of December. Such an abstract thereof as the inspector may require shall be posted for sixty days in the principal office of such company, partnership or association, and also published in some newspaper having a general circulation in the county in which the principal office or place of business of such company,

partnership or association is situate. And the said inspector shall verify said report by an examination of the affairs of said company, partnership or association, and he may make quarterly examinations of the affairs of said company, partnership or association, if he deems the same necessary, and he shall receive as fees for the same the sum of five dollars per day and necessary expenses for the actual time employed in making such examination, which shall be paid by the company, partnership or association examined; and if, upon such examination, it shall appear that such company, partnership or association is not carrying on its business in accordance with law, or that its affairs are being improperly managed, the inspector, after notice to such company, partnership or association of at least ten days, shall institute proceedings in quo warranto against said company, partnership or association in the manner provided by law.

Examinations by inspector; fees and expenses therefor.

Proceedings to be instituted to oust company conducting business unlawfully.

SECTION 7. The acting and deputy inspector of building and loan associations is hereby made ex officio supervisor of such companies, partnerships and associations. It shall be his duty to see that all the laws of this state relating to such companies, partnerships and associations are faithfully executed, and as compensation for his services as such supervisor he shall receive the sum of six hundred dollars per year.

Deputy inspector is supervisor of companies; duties; compensation.

SECTION 8. Every such company, partnership and association [shall] pay to the inspector the following fees, which shall be paid into the state treasury, to wit: For filing each application for admission to do business in this state, one hundred dollars; for each certificate of authority, and annual renewal of same, fifty dollars; for filing each annual statement, twenty-five dollars; for issuing license to each agent, two dollars; for each copy of paper filed in his office, fifty cents per folio; for affixing seal and certifying any paper, one dollar. Provided, however, that the inspector may retain from the fees so received by him up to the close of the fiscal year ending February 15, 1900, a sum sufficient to pay the salaries and necessary expenses provided for in this act up to said time.

License fees.

SECTION 9. Any officer, agent or representative of any such company, partnership or association who shall attempt to place or sell any certificates, debentures or other investment securities or transact any business whatsoever in the name or on behalf of such company, partnership or association when such company, partnership or association has failed or refused to comply with the provisions of this act, or shall fail to file with the inspector of building and loan associations the statement or report herein provided to be filed, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined not less than one hundred dollars nor more than one thousand dollars for each offense, or be imprisoned in the county jail for not less than thirty days nor more than six months, or both.

Penalty for attempting to transact business for company failing or refusing to comply

SECTION 10. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 25, 1898.

280G

[House Bill No. 592.]

AN ACT

To amend section 1178 of the Revised Statutes of Ohio.

County surveyor:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1178 of the Revised Statutes of Ohio be and the same is hereby amended to read as follows:

Record to be kept by county surveyor; fees.

Sec. 1178. The county surveyor shall make and keep in a book to be provided for that purpose an accurate record of all surveys made by himself or his deputies for the purpose of locating any land or road lines, or fixing any corner or monument by which the same may be determined, whether official or otherwise, which surveys shall include corners, distances, azimuths, angles, calculations, plats and a description of the monuments set up, with such references thereto as will aid in finding the same, together with the names of the parties for whom made, the date of making the same, which book shall be kept as a public record by the county surveyor at his office, and shall be at all proper times open to inspection and examination by all persons interested therein, and shall receive the same fees as is now allowed county recorder for like work; and also any other surveys made in the county by competent surveyors, duly certified by such surveyor to be correct and deemed worthy of preservation, may, by order of the commissioners, be recorded by the county surveyor and paid for as above provided.

SECTION 2. This act shall be in force and take effect from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 25, 1898.

281G

[House Bill No. 587.]

AN ACT

To amend sections 110 as amended March 3, 1898; 112 as amended (80 O. L., 212); 113 as amended (80 O. L., 212); 114 [and] 118 as amended (91 O. L., 34) of the Revised Statutes of the state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 110 as amended, 112 as amended, 113 as amended, 114, [and] 118 as amended, of the Revised Statutes of Ohio, be and said sections are hereby amended so as to read as follows:

Sec. 110. The governor may appoint and commission as notary public, as many persons of the age of 21 years or over, who are citizens of this state, residing in the several counties for which they are appointed, as he may deem necessary; provided, however, that citizens of this state of the age of 21 years, or over, whose postoffice address is a city, village or hamlet situated in two or more counties in this state, may be appointed and commissioned for all of said counties within which said city, village or hamlet is situated; and the governor shall have the authority to revoke any commission issued to any notary upon the presentation of satisfactory evidence of official misconduct or incapacity; but before making any such appointment, each applicant shall produce to the governor a certificate from a judge of the common pleas court, circuit court, or supreme court, that the applicant is of good moral character, a citizen of the county in which he resides, and possessed of sufficient qualifications and ability to discharge the duties of the office of notary public; but no such judge shall issue such certificate until he is satisfied from his personal knowledge that such applicant possesses the qualifications necessary to a proper discharge of the duties of such office, and in case of a want of such knowledge, then not until such applicant has passed an examination showing that he possesses such knowledge, under such rules and regulations as such judge shall prescribe.

Sec. 112. Each notary public so appointed and commissioned shall hold his office for the term of three years (if so long he behave well) unless his commission shall be revoked, and before entering upon the duties of his office he shall give bond to the state of Ohio in the sum of fifteen hundred dollars, with sureties to be approved by the governor, conditioned for the faithful discharge of the duties of the office, a copy of which bond shall be filed in the office of the clerk of the court of common pleas of the county in which he resides, and of each county for which he shall have been appointed. And he shall take and subscribe an oath to be endorsed on his commission.

Sec. 113. Before entering upon the discharge of his duties he shall provide himself with an official seal, as the same is prescribed by law; he shall also provide himself

Governor:

Appointment of
notaries public.Persons resid-
ing in munici-
palities situated
in two or more
counties; how
commissioned.Revocation of
commission.Certificate of
judge.Examination of
applicant.Term of office;
bond, etc.Notary to pro-
vide a seal and
register.

with an official register, in which shall be recorded a copy of every certificate of protest and copy of note; such seal and such record shall be exempt from execution; and upon the death, expiration of office without reappointment, or removal from office of any notary public, his official register shall be deposited in the office of the recorder of the county in which said notary resides.

Commission to
be recorded.

Sec. 114. Each notary public so commissioned shall, before entering upon the duties of his office, leave his commission with the oath thereon endorsed, with the clerk of the court of common pleas, in the county in which he resides, and of each county, for which he shall have been appointed, for the purpose of being recorded by each of said clerks.

Powers of nota-
ries public.

Sec. 118. Each notary public duly appointed, commissioned, and qualified shall have power, within the county in which he resides and of each county for which he shall have been appointed, to administer all oaths required or authorized by law to be administered in this state, to take and certify depositions, to take and certify to all acknowledgments of deeds, mortgages, liens, powers of attorney and other instruments of writing and to receive, make and record notarial protests, and if the postoffice which is recorded in the governor's office as the address of any notary public is in a city, village or hamlet situated in two or more counties in this state, such notary public shall have power to receive, make and record notarial protests within those parts of such counties as are within the established limits of such cities, village or hamlet.

Repeals, etc.

SECTION 2. Said sections 110 as amended March 3, 1898; 112 as amended (80 O. L., 212); 113 as amended (80 O. L., 212); 114 and 118 as amended (91 O. L., 34), be and the same are hereby repealed and this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 26, 1898.

282G

[House Bill No. 559.]

AN ACT

For the relief of Robert Joiner, George Churchman and Charles W. Banks, who were injured at the state institution for feeble-minded youth.

Appropriation
for certain per-
sons.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the auditor of state is authorized and required to issue his warrant on the treasury to pay to

Robert Joiner, George Churchman and Charles W. Banks, the sum of twelve hundred dollars out of any money in the treasury [to the credit] of the general revenue fund, not otherwise appropriated, which sum shall be in full liquidation and payment to said Robert Joiner, George Churchman and Charles W. Banks, for permanent injuries received caused by a gas explosion while said Robert Joiner, George Churchman and Charles W. Banks were engaged in the employment of the state of Ohio at the state institution for feeble-minded youth. The said Robert Joiner to receive two hundred dollars, the said George Churchman to receive five hundred dollars, and the said Charles W. Banks to receive five hundred dollars of said sum so appropriated; that there shall be paid to each of said persons herein named the sum of twenty-five dollars on the first Monday of each and every month until the same is fully paid.

How payments
to be made.

SECTION 2. This act to take effect on and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 26, 1898.

283G

[Senate Bill No. 547.]

AN ACT

To amend section 879 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 879 of the Revised Statutes be so amended as to read as follows:

County commis-
sioners:

Sec. 879. When in the opinion of the commissioners it is necessary to procure real estate, or the right of way, or easement for a court-house, jail, or public offices, or for any bridge and the approaches thereto, or other lawful structure, and they and the owner or owners thereof are unable to agree upon its purchase and sale, or the amount of damages to be awarded, the commissioners may appropriate the same, and for this purpose they shall cause an accurate survey and description of the parcel of land needed for such purpose, to be made, or in case of a bridge of the right of way and easement required, and shall file the same with the probate judge of the county, and thereupon the same proceedings shall be had, which are provided for the appropriation of private property by municipal corporations.

Commissioners
may appropriate
land for court-
house, jail, pub-
lic offices or
bridges.

SECTION 2. That original section 879, be and the same is hereby repealed.

Repeals.

SECTION 3. This [act] shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 26, 1898.

284G

[House Bill No. 546.]

AN ACT

To amend sections 1277 and 1278 of the Revised Statutes of Ohio.

Prosecuting attorney:

Duty of prosecuting attorney as to restraining orders.

Failure, refusal or disability of prosecuting attorney to institute suit; taxpayer may bring action.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 1277 and 1278 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 1277. The prosecuting attorneys of the several counties of the state, upon being satisfied that the funds of the county, or any public moneys in the hands of the county treasurer, or belonging to the county, are about to be, or have been misapplied, or that any such public moneys have been illegally drawn out of or withheld from the county treasury, or that a contract in contravention of the laws of this state has been, or is about to be entered into, or has been, or is being executed, or that a contract was procured by fraud or corruption, may apply by civil action in the name of the state to a court of competent jurisdiction, to restrain such contemplated misapplication of funds, or the completion of any such illegal contract not fully completed, or to recover back for the use of the county, all such public moneys so misapplied or so illegally drawn out or withheld from the county treasury, or to recover for the benefit of the county, any damages resulting from the execution of any such illegal contract.

Sec. 1278. In case the prosecuting attorney fails, upon a written request of any taxpayer of the county, to make the application or institute the civil action contemplated in the preceding section, such taxpayer may make such application or institute such civil action in the name of the state; or, in any case wherein the prosecuting attorney is authorized to make any such application, bring any such suit or institute any such proceedings against any county officer or person holding or having held any county office, for any misconduct in office, neglect of any duty prescribed by law, to recover money illegally drawn out of or illegally withheld from the county treasury, or to recover damages resulting from the execution of any such illegal contract as mentioned and referred to in the preceding section, and upon the written request of any taxpayer of the county, to bring any such suit or institute any such proceedings, shall fail, neglect or refuse so to do, or where for any

reason the prosecuting attorney can not bring such action, or where the prosecuting attorney has received and unlawfully withheld moneys belonging to the county, or has received or drawn out of the county treasury, public moneys which he is not lawfully entitled to demand and receive, any taxpayer, upon securing the costs, is hereby authorized to bring any such suit, or institute any such proceedings, in the name of the state and any such action shall be for the benefit of the county, the same as if brought by the prosecuting attorney.

SECTION 2. Said original sections 1277 and 1278 of the Revised Statutes of Ohio are each hereby repealed, and this act shall take effect and be in force from and after its passage. Repeals, etc.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 25, 1898.

285G

[Senate Bill No. 545.]

AN ACT

To amend section 2690c of the Revised Statutes, as amended March 29, 1886 (O. L., v. 83, page 47).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2690c of the Revised Statutes of Ohio, as amended March 29, 1886 (O. L., v. 83, page 47), be so amended as to read as follows:

Finance and
taxation:

Sec. 2690c. No tax shall be levied upon the property of any such city, by the council thereof, or any other authority therein, except by the boards of education in cities of the first grade of the first class, and in cities of the third grade of the first class, for school and educational purposes, until approved by the board of tax commissioners aforesaid. Provided that in cities of the third grade of the first class boards of education shall not levy in excess of seven (7) mills upon the dollar of the taxable property thereof, in any one year.

Approval of
levies by tax
commissioners
of certain cities.

Limitation on
levy.

SECTION 2. That said section 2690c, as amended March 29, 1886, be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 26, 1898.

286G

[Senate Bill No. 529.]

AN ACT

For the relief of A. B. Rankin, sheriff of Fayette county, Ohio, in the case of the state of Ohio vs. Joseph Nevin.

Appropriation
for A. B. Rankin.

SECTION 1. *Be it enacted by the General Assembly [of the State] of Ohio*, That there be and is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of three hundred and fifty dollars for the purpose of paying A. B. Rankin, sheriff of Fayette county, for services required of him in the case of the state of Ohio vs. Joseph Nevin.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 26, 1898.

287G

[House Bill No. 520.]

AN ACT

For the relief of Harry B. Perkins, a private in company "B," 5th regiment of infantry, O. N. G.

Warrant in
favor of Harry
B. Perkins.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the auditor of the state of Ohio be, and he is hereby, authorized and required to issue his warrant on the state treasurer, to pay to Harry B. Perkins, out of the general revenue fund, not otherwise appropriated, the sum of five hundred dollars, to compensate him for loss of time, and to reimburse him for expense incurred, by reason of injury resulting from a pistol shot wound of the left thigh, received while in the discharge of his duty as a private in Co. "B," 5th regiment of infantry, O. N. G., at the works of the Brown hoisting and conveying machine company, during the labor troubles at Cleveland, Ohio, in the months of July and August, 1896.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 25, 1898.

288G

[House Bill No. 519.]

AN ACT

To prevent lynching.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whoever shall break into or attempt to break into a jail or any prison, or to attack an officer, with intent to seize a prisoner for the purpose of lynching, shall be deemed guilty of a felony, and shall be confined in the penitentiary for not more than ten years nor less than one year.

Penalty for
breaking into
jail or attacking
officer for the
purpose of
lynching pris-
oner.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 25, 1898.

289G

[Senate Bill No. 509.]

AN ACT

To amend section 4884 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4884 of the Revised Statutes of Ohio be so amended as to read as follows:

Repair of im-
proved roads:

Sec. 4884. If the tax and labor provided for in section 4881 be found insufficient to keep such roads in good repair, the county commissioners shall determine and levy such additional pike repair tax as may be found necessary to keep the same in good repair and condition for public travel, upon all of the taxable property of the county; except upon the townships of such county now improving or which may hereafter improve the public roads of such townships under the provisions of [act], as passed March 13, 1896 (92 O. L., page 63), not exceeding one mill on the dollar in any year, which shall be collected as other taxes and paid by the county treasurer to the various pike superintendents in such sums and proportions as the commissioners may direct, they having first determined what proportion of the fund shall be set apart to the credit of each township of such county other than those improving their roads under the provisions of [act], as passed March 13, 1896 (92 O. L., page 63), or which may hereafter improve its roads in accordance with said act; and the commissioners in determining the division of the fund shall be governed, not by the miles of pike in each township, but by the necessities of the roads or convenience of getting material or quality of material necessary to make substan-

General tax for
repairing im-
proved roads.

tial repairs, and shall make a just and equitable division of the fund between the several townships from which the same was collected, to be paid to the superintendents upon warrants of the auditor.

Repeals.

SECTION 2. That said section 4884 as amended March 9, 1880 (77 O. L., page 55), be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,

Speaker of the House of Representatives.

ASAHIEL W. JONES,

President of the Senate.

Passed April 26, 1898.

290G

[Senate Bill No. 508.]

AN ACT

To amend section 3051 of the Revised Statutes of Ohio, as amended April 18, 1892 (89 O. L., page 412).

Ohio national guard:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3051 of the Revised Statutes, as amended April 18, 1892, be and the same is hereby amended so as to read as follows:

Dishonorable discharge of officer.

Sec. 3051. An officer may be discharged by the commander-in-chief upon the report of a court of inquiry, appointed by the governor, or to carry out the sentence of a court-martial.

Repeals, etc.

SECTION 2. Said original section 3051 is hereby repealed, and this act shall take effect and be in force from and after its passage.

HARRY C. MASON,

Speaker of the House of Representatives.

ASAHIEL W. JONES,

President of the Senate.

Passed April 25, 1898.

291G

[House Bill No. 657.]

AN ACT

To refund to W. T. Grundel taxes illegally assessed.

Preamble:

WHEREAS, On the 24th day of April, 1893, the general assembly of the state of Ohio enacted a law entitled "An act to tax the business of trafficking in cigarettes or cigarette wrappers," by virtue of which retail dealers in cigarettes were taxed in the sum of \$100 annually, which said act was to take effect and be in force on and after August 1, 1893; and,

WHEREAS, On the 18th day of May, 1894, the general assembly of the state of Ohio repealed said law; and,

WHEREAS, The supreme court of the state of Ohio, in the case of Metz vs. Hagerty, 51 O. S., 521, at the term of said court, held that said law did not take effect until the first day of January, 1894, and that said tax could not be legally collected for any portion of the year 1893; and,

WHEREAS, The said W. T. Grundel, a retail dealer in cigarettes, did, upon demand of the auditor of Portage county, pay into the treasury of said county the tax levied by said act upon retail dealers in cigarettes, for that portion of the year 1893, from August 1 and for the first half of the year 1894, amounting to \$80.86, which amount was equally divided between the general revenue fund of the state of Ohio and the general fund of the county of Portage; now, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the said sum of \$80.86 so illegally assessed and collected from said W. T. Grundel be repaid to him; and the auditor of the state of Ohio is hereby directed and required to draw his warrant on the treasurer of state in favor of said W. T. Grundel for the sum of \$40.43, payable out of the general revenue fund of said state; and the auditor of the county of Portage is hereby directed and required to draw his warrant on the treasurer of said county in favor of said W. T. Grundel for the sum of \$40.43, payable out of the general fund of said county.

Payments to be made to W. T. Grundel.

SECTION 2. That there be and is hereby appropriated out of any funds in the state treasury to the credit of the general revenue fund and not otherwise appropriated, the sum of \$40.43, for the payment of said warrant.

Appropriation.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 26, 1898.

292G

[House Bill No. 663.]

AN ACT

To supplement section 5044 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 5044 of the Revised Statutes of Ohio be supplemented as follows:

Actual service:

Sec. 5044a. When the property in this state of any foreign corporation, railroad or otherwise, is in the possession or control of a receiver appointed by any court, state or federal, at the commencement of any action against said

How served upon foreign corporation in hands of receiver.

corporation, summons may be served upon any agent of the receiver upon whom valid service could be made under any other provision of this chapter, if the agent was the agent of the corporation itself.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
 ASAHIEL W. JONES,
President of the Senate.

Passed April 26, 1898.

293G

[House Bill No. 647.]

AN ACT

To amend sections 621c and 621d and to supplement section 621 of the Revised Statutes of Ohio.

Justices of the
 peace:

Salary of jus-
 tices in Colum-
 bus; how pay-
 able; affidavit
 to be filed by
 justice.

Vacation of jus-
 tice.

Office hours of
 justices.

Office hours of
 clerk.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sections be enacted amendatory to sections 621c and 621d, and supplementary to section 621 of the Revised Statutes of Ohio:

Sec. 621c. In all cities in this state of the first grade of the second class, each justice of the peace, for services rendered, shall receive in lieu of all fees an annual salary of fifteen hundred dollars, payable in monthly installments, out of the city treasury, on the warrant of the director of accounts of said city; but no such warrant shall be granted by said director of accounts until the justice asking for the same has made and filed with him his affidavit, setting forth the number of days he has been in actual attendance at his court room ready for business, during the period which the warrant is intended to cover; and for such time thus spent in attendance to business only, shall he be allowed in such warrant, a deduction of three dollars being made for each day's absence; but if he is unable to attend to the duties of his office by reason of illness, or other necessary or unavoidable cause, he shall be charged with no lost time; provided, however, that a vacation of three weeks shall be allowed each justice annually, but not more than two judges [justices] shall be absent on such vacation at any one period. Each of said justices shall have his court room opened and he shall be in attendance at the duties of his office therein, from at least eight-thirty o'clock a. m. until eleven-thirty o'clock a. m., and from one-thirty o'clock p. m. until four-thirty o'clock p. m., each standard time; provided, that where either of said justices is actually engaged in the trial of a suit he shall so continue until at least five o'clock p. m., when it shall be necessary to do so in order to finish the trial of said suit; and the said clerk's office hereinafter mentioned shall be open continuously from eight-thirty o'clock a. m. until five o'clock p. m., both

standard time, each day, excepting legal holidays. All original writs issued by said justices shall be returnable at eight o'clock a. m. or one o'clock p. m., both standard time. There shall be but four justices of the peace for any and all townships and parts of townships whose boundaries are or may hereafter be within the limits of a city of the first grade of the second class. The board of public works and the city council of such city of the first grade of the second class, shall provide suitable court rooms by the last Monday in October after the passage of this bill for the accommodation of said justices of the peace, and also an office for the clerks hereinafter mentioned; also such jury rooms as may be necessary, which offices and rooms shall be contiguous to each other. And said board of public works and city council shall assume the payment of any remaining rental which any of the said justices shall have incurred by way of a contract of lease previous to the passage of this act. The said board of public works and the city council shall also provide necessary dockets, indexes, books, including a set of the Ohio and Ohio state reports, circuit court reports, statutes, Swan's treatises, blanks, stationery, furniture, fuel and telephone for the use of said justices and clerks.

Number of justices.

Offices for justices and clerks and jury rooms.

Dockets, indexes, books, court reports, etc.

Sec. 621d. In all cities in this state of the first grade of the second class, there shall be one clerk and three deputy clerks, all of whom shall be electors, for said justices of the peace. The said clerk shall be known as the clerk of the justices' courts for such city. The justices shall meet at the court room of the justice whose term shall soonest expire, at nine o'clock a. m. on the last Monday of October, each year and shall at once proceed to select the said clerk and deputy clerks in the following manner: Each justice shall select one person for a member of the clerical force, and from the persons thus selected the justices shall elect the clerk by ballot, and if, after five ballots, none of the persons so balloted for shall receive a majority vote, then the person receiving the highest number of votes on the fifth ballot shall be declared elected, but in case there are two persons each receiving two votes on said ballot, the clerk shall be selected from such two persons by lot. The other three persons so selected in the first instance shall be the deputy clerks. The term of office of said clerk shall be one year, to commence on the last Monday of October following such selection. Said clerk shall receive from the city treasury an annual salary of nine hundred dollars, payable in monthly installments. Before entering upon the duties of his office the said clerk shall file in the office of the city clerk a bond in the penal sum of three thousand dollars, with two or more sufficient sureties, to be approved by the city council of such city, conditional that the clerk shall faithfully and properly perform the duties of his said office, and that he shall well and truly pay to the treasurer of such city all moneys

Clerk of justices' court in Columbus.

Election of clerk and deputies; how conducted.

Term of clerk.

Salary.

Bond.

Duty of clerk.

received by him or his deputies under him, as clerk of said justices' courts, for the use of said city, and otherwise conditioned as such city council shall prescribe. It shall be the duty of said clerk to keep a true and complete record of all proceedings before each of said justices, and to enter all judgments in the docket of the justice rendering the same in the time and manner prescribed by law, which judgment shall be signed by the justice by whom it was rendered. He shall keep true and correct accounts of all moneys received by him or his deputies, as court fees, for the use of such city, or for any other purpose, and shall properly account for and pay over the same to the party entitled thereto. He shall also file and safely keep all papers and books belonging to or appertaining to said justices' courts, none of which shall be removed from said office without the authority in writing of the justice to whom the case was assigned or the clerk of said court, nor unless proper receipts be given therefor. The said clerk shall make all writs returnable to the said justices in rotation, and if upon the return day or the adjourned day of any cause the justice issuing the process therein shall be absent at the time to which the cause has been adjourned or the process therein made returnable, the next justice in regular order of issuing writs if present, and if not, one of the other justices shall have the same jurisdiction to proceed therein as though the cause had been originally commenced before him, and if judgment be rendered by him in such cause the record thereof shall be entered in the docket of the justice rendering such judgment. It shall be the duty of said clerk to collect the fees as provided in sections 615 and 621 of the Revised Statutes of Ohio, and make return under oath to the director of accounts of such city on blanks provided by such director, monthly on or before the second Saturday of each succeeding month, of all fees collected by him, and all fees taxed by him and uncollected during the month previous, giving the style of the case and number and pages of the dockets in which they are recorded. He shall at the same time pay into the city treasury all such fees collected by him. It is hereby made the duty of the director of accounts to audit the accounts and inspect the records of such clerk as often as the city council may direct; but he shall not hinder the business of the clerk nor remove the records from the office. The clerk of said justices of the peace shall, between the first and fifteenth of March of each year, notify each person who is indebted for fees, as shown by the dockets of said justices, for the year previous ending December 31, to pay the same, and if the same are not paid within one week following said March 15, execution for the same shall be issued directed to any constable of the township. He shall, at the expiration of his term of office, and before he shall be entitled to his salary for the last month of his term, make an itemized statement under oath to the director of accounts

Auditing of clerk's accounts and inspection of records.**Collection of fees.**

of all fees uncollected by him during his term of office. All moneys paid under judgments rendered by said justices, and all moneys paid under garnishments in said justices' court, and all costs, fines and dues of every description shall be paid to said clerk or his deputy or deputies by him authorized to receive the same, and his bond shall be conditioned for the faithful and proper disposition of all such moneys. It shall be his duty to dispose of all such moneys as is now provided by law. The said clerk and each of its [his] deputies shall have power generally to administer oaths in all causes or matters brought or which may be brought before the justices of the peace and in all business which may pertain to the office of such justices of the peace. The term of office of each deputy shall begin with the time of the filing of the certificate of his appointment with the city clerk of such city, and each of their terms shall end on the third Monday of May of each year; but the deputy clerks shall be subject to removal from office at any time for cause by the justice who selected him or by the clerk, in which case his place shall be filled immediately by the justice who selected the deputy so removed or by the successor in office of such justice. Appointments and revocations of appointment of deputies shall be certified by the justices who made the appointment to the city clerk, and such certificate shall be notice of the appointment or revocation as the case may be, and the appointment or revocation shall be operative from the time of the filing of such certificate. The said deputy clerks shall be under the control and direction of said clerk, and shall perform such duties as he shall direct, and shall have authority to perform generally the duties of said clerk. Each of said deputies shall, if required by said clerk, furnish a good and sufficient bond for the faithful discharge of his duties in such amount and with such conditions as said clerk may prescribe. The deputies shall each receive a salary of six hundred dollars per annum, payable in monthly installments out of the city treasury on the warrant of the director of accounts of such city, and it is hereby made the duty of the director of accounts to issue all warrants as herein provided for.

Power of clerk and deputies to administer oaths.

Term of deputies.

Removals.

Certificate of appointment or removal.

Deputies under direction of clerk; powers.

Bond.

Salary.

Sec. 621e. It shall be unlawful for said justices of the peace or said clerk or his deputy or deputies to act as counsel, agent or attorney for any party in any matter, suit or proceeding within the jurisdiction of said courts. A violation of this provision shall be deemed misconduct and shall be sufficient cause for removal from office of the party so violating.

Justices, clerk and deputies cannot act as counsel, agent or attorney.

SECTION 2. That section 621c as passed March 8, 1893, and amended April 18, 1896, and section 621d as passed March 8, 1893, and amended March 22, 1893, of the Revised Statutes of Ohio, are hereby repealed. Such repeals to take effect the last Monday in October, 1898, and other-

Repeals; when act takes effect.

wise this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 26, 1898.

294G

[House Bill No. 636.]

AN ACT

Authorizing the appointment of a commission to ascertain and mark the positions occupied by Ohio troops in the battle of Shiloh, and to make an appropriation to pay the personal expense of the commission.

Commission to
mark positions
of Ohio troops
at battle of
Shiloh; appoint-
ment of.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the governor of this state be and is hereby authorized to appoint a commission consisting of six citizens, not more than three of whom shall belong to any one political party, and each of whom shall have served with honor in the battle of Shiloh, who shall serve without pay and whose duty it shall be to coöperate with the national commission in ascertaining and marking the positions occupied in said battle by each regiment, battery and independent organization from this state which were there engaged.

Appropriation
for expenses of
commission.

SECTION 2. That the sum of one thousand dollars be and the same is hereby appropriated out of any funds in the state treasury not otherwise appropriated, to be drawn and used by said commission to pay the personal expenses of the members of said commission in the discharge of the duties aforesaid.

Treasurer of
commission;
bond.

SECTION 3. That said commission shall elect one of their members to act as treasurer of said commission, who shall give bond to the state of Ohio in twice the sum hereby appropriated to be approved by the auditor of state, who, upon the filing with him of such bond, shall draw his warrant on the treasurer of state in favor of such treasurer for the amount herein appropriated.

Annual report
to the governor.

SECTION 4. Said commission shall keep an accurate account of all disbursements and make a full report thereof, and of the execution of its trust to the governor on or before the 15th day of November, each year during the continuance of said trust.

SECTION 5. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 25, 1898.

295G

[House Bill No. 628.]

AN ACT

To provide a separate quota for epileptics from Ohio soldiers' and sailors' home.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in making the quota for the patients to be received in the Ohio hospital for epileptics, a separate and distinct quota is to be made for the Ohio soldiers' and sailors' home, and the patients already received from said soldiers' and sailors' home, as well as those hereafter to be received, are to be charged to said soldiers' home quota, and not to the quota of Erie county where said "home" is located.

Separate quota
for soldiers
home in epilep-
tic hospital.

SECTION 2. This act shall be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 25, 1898.

296G

[House Bill No. 627.]

AN ACT

To provide for the repair of the monument erected by the state of Ohio at Gettysburg to the 66th O. V. I.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be appropriated out of any moneys in the general revenue fund now in the treasury and not otherwise appropriated, the sum of five hundred dollars, or such part thereof as may be necessary, to be expended under the direction of the adjutant general for the repair of the monument erected by the state of Ohio at the battle-ground of Gettysburg, Pennsylvania, to the 66th regiment, O. V. I.

Appropriation
for repair of cer-
tain monument
on Gettysburg
battlefield.

SECTION 2. This act shall take effect from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 26, 1898.

297G

[House Bill No. 601.]

AN ACT

To amend section 3213—1 of the Revised Statutes of Ohio.

Liens: SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3213—1 of the Revised Statutes of Ohio, be so amended as to read as follows:

Lien of keeper of stallion or jack.

Enforcement of lien.

Disposition of proceeds from sale.

Penalty for misrepresenting pedigree of stallion or jack.

Repeals, etc.

Sec. 3213—1. That the keeper of any stallion or jack shall have a lien upon the get of the same for the period of twelve months after birth of the same, for the payment of the service of any such stallion or jack. Such keeper or owner may enforce said lien by replevin of the property before any justice of the peace of the township where the property is found, and after gaining possession of the same, he may, after first giving ten days' notice to the reputed owner thereof of his intention to do so, sell the same at public sale after two weeks' notice of the time and place of sale by notices posted up in five conspicuous and public places in the township where proceedings in replevin are had, and out of the proceeds of sale retain the amount due him for said service, with the costs by him incurred in said replevin suit, and accounting to the owner for the surplus realized by said sale. And the owner of any such stallion or jack, when payment is made to him, or his agent, for any such get, shall deliver to the payee a receipt in full for the amount so paid, and stating for what paid. And any such keeper or owner of any stallion or jack, who misrepresents the pedigree, or fails to publish a correct pedigree of his stallion or jack, when excellency of good qualities are claimed on account thereof, shall, upon proof of such misrepresentation, forfeit the services in any case when legally contested and proven, and shall be otherwise punished as provided by law against the use of false pedigree. [89 v. 60; 85 v. 264; 81 v. 43.]

SECTION 2. That said section 3213—1 be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 26, 1898.

298G

[Senate Bill No. 518.]

AN ACT

To authorize township trustees and county commissioners to organize special road districts out of two and not more than four townships occupying contiguous and compact territory, with power to improve roads in such district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in any county two or more adjacent townships, not exceeding four townships, occupying contiguous and compact territory, may organize into road districts. Such road districts shall be governed and controlled for the purpose of constructing pikes and improving roads as herein provided by a road commission, composed of not more than four in number. Such commission shall be appointed by the county commissioners of such county, not more than one of whom shall be a resident of any such township composing such road district, and such commissioner shall be nominated by the respective township trustees, and may be removed at any time for incompetency or neglect of duty by said county commissioners. Provided, that no such appointment of road commissioners shall be made or such commissioners appointed until the construction of such a road district shall be petitioned for, to the county commissioners, by at least fifty or more of the resident taxpayers of each of such townships asking for the improvement of the public roads of such townships and asking for the establishment of such road district.

Organization of road districts; how governed and controlled.

Road commission; how appointed; nominations by township trustees; removals.

When appointment to be made.

SECTION 2. The county commissioners on receiving such written petitions from the respective townships shall be authorized to forthwith pass resolutions and place the same upon their journal organizing such townships into a road district and notify the respective boards of trustees of such townships of such action, and the same shall, within ten days thereafter, be considered and held to be a road district for the purposes of this act. Said county commissioners shall forthwith, after the expiration of such ten days, notify, in writing, the township trustees to nominate suitable persons for the office of road commissioner and from such nominees so presented by such trustees, the county commissioners shall select a non-partisan board not more than two of whom shall be a member of any one political party. Said board shall forthwith meet at the county seat and organize by electing one of their number president, and one of their number secretary, and shall keep a record of all their proceedings.

How districts created.

Notice to trustees to make nominations; selection of board; apportionment politically.

Meeting of board for organization.

SECTION 3. Within ten days after said commission is duly organized, it shall notify the deputy state supervisors of elections of such county, of its said organization, whereupon it shall be the duty of the deputy state supervisors of elections to submit the question of improvement of the public roads of such road district, to the qualified electors

Submission of question of improving roads.

thereof at any general or special election. The qualified electors of any such district including any village or city situated therein, shall at such election have submitted to them the proposition of improving the public roads within such district by general taxation levied upon property in such district. And those voting in favor of such proposition shall have on their ballots, "Road improvement by general taxation — Yes," and those opposed, "Road improvement by general taxation — No." The said road commissioners shall cause notice of such election to be given in at least two of the newspapers published in or of general circulation in such road district, and shall also cause handbills or posters announcing the same to be posted up at the usual place of holding elections in each ward and precinct in such road district at least ten days prior to such election.

Form of ballot.

Notice of election by publication.

Appointment of judges and clerks; returns; compensation.

Canvass of votes.

Effect of negative vote.

Resubmission of question.

Effect of affirmative vote; designation of roads for improvement.

SECTION 4. The deputy supervisors of elections of such county shall appoint four judges and two clerks for each ward and precinct in such road district, who shall conduct such election in like manner as is by law provided for holding other elections. They shall forthwith return to the deputy supervisors of such county, a full and correct abstract of the vote cast at such election, and shall be governed in all other respects by the laws regulating general elections and shall receive the same compensation as judges and clerks of other elections, which shall be paid in accordance with general statutes. The poll-books and abstracts so returned to the deputy state supervisors of elections, shall, within two days thereafter, be opened by them and a correct statement of the result shall be entered upon the records of the county commissioners by the auditor of the county for public inspection.

SECTION 5. If, at such election, a majority of the votes cast are against the proposition of improving the public roads by general taxation, the said road commissioners shall not assess any tax for that purpose, and their duties shall cease; and when a new board of road commissioners, as herein provided by petition, shall be again created, they shall, when a like petition is thereafter presented to them, again submit the same question at the next annual election, either spring or fall or special, to the qualified voters of such road district. Notice of such special election shall be given as provided by the general statutes for submitting special questions.

SECTION 6. If, at such election, a majority be found in favor of the policy of improvement of the public roads of such road district by general taxation, such road commissioners shall forthwith designate and determine what roads and the extent of the improvement in the respective townships which should in their opinion be improved, at what points the improvement should begin and how much of such roads to be completed annually. But no roads shall be by them designated for improvement which is not

already established or which does not now extend beyond the road district limits. Nor shall any public highway within the corporate limits of city or village within such road district be so designated or improved unless such road extends to and beyond the said road district continuously. Such road commissioners shall have the power to employ a competent civil engineer, and such assistants for him as they may deem necessary, who shall make a correct map of the established roads of such road district, designating plainly which have been by such commissioners selected for improvement, and also profiles of such roads showing the grades thereof as they then exist, as well as prepare such other information as may be required by said commissioners, all of which shall be kept on file with the secretary of said road commission for public inspection.

Employment of
engineer and
assistants.

SECTION 7. The commissioners so appointed shall hold their office for a term of four years, and before entering upon the discharge of their duties, take an oath of office to honestly and impartially discharge their duties with a view to the public welfare. They shall receive as compensation for each day actually employed the same compensation as township trustees. Such engineer shall receive such sum not exceeding four dollars per day as he may agree upon with said road commissioners, and not to exceed one hundred dollars in any one month. The compensation of the commissioners and engineer shall be paid out of the road fund, raised for the purpose of said improvement, upon the order of the auditor of the county after the allowance by the county commissioners.

Term of office of
commissioners;
oath.

Compensation.

Engineer's com-
pensation.

How compensa-
tion paid.

SECTION 8. Immediately after the report of such road commissioners and the map and profiles of such engineer have been filed, such road commissioners shall, in determining which road shall be first improved of those designated, select the most public roads of the road district both east and west and north and south, and if, in their opinion it is not expedient to undertake the improvement of such selected roads in all directions at one time, they shall proceed to first improve the most prominent thoroughfare in such district.

Selection of
roads for im-
provement.

SECTION 9. The county auditor shall be ex officio member of said board but shall only have a vote in case of a tie vote on any question before said board of road commissioners. The said road commissioners shall cause to be kept by the secretary or clerk of the board in a record book to be provided by them for that purpose, a full and complete record of their proceedings under this act relating to the improvements of all public roads acted upon by them; and also an accurate, separate account of receipts and expenditures under its provisions; and no money raised for the improvement of such roads shall be drawn from the treasury except to pay liabilities already accrued and then only in pursuance of orders issued by said road commissioners or a majority of them while in session as a board

County auditor
is ex officio
member.

Record to be
kept by com-
missioners.

Payments for
improvement.

to be entered upon the record of their proceedings, upon a ye and a nay vote, and by orders drawn in pursuance thereof by the auditor of the county and in favor of the persons only to whom the money is due.

Work of construction to be let on bids; notice by publication.

SECTION 10. When such road commissioners have, by resolution, determined to improve a designated road or part thereof, the work of its construction, including all labor and material, shall be by them publicly let to the lowest responsible bidder, after due notice given of such letting by publication in one or more newspapers published or of general circulation in such road district and by posters judiciously posted.

Division of roads into sections for the purpose of sale of work.

SECTION 11. For the purpose of letting contracts such road commissioners shall cause each road about to be improved to be divided into suitable and convenient sections, and the sections shall be numbered from the point of beginning toward the outer line of such road district, and the same shall be let by sections. All contracts shall be let upon plans and specifications of the various kinds of labor required upon each section and also the materials which shall enter into the construction of the same. Bidders shall be required to separately state their bids for each class of work in such manner and upon such blank forms as such road commissioners may require.

What required of bidders.

Contractor's bond.

SECTION 12. Each contractor shall be required to give bond in amount at least equal to the contract price with sufficient sureties for the faithful performance of his contract, payable to the state of Ohio for the use and benefit of such road district, with all necessary stipulations on the part of the contractor to carry out the provisions of such contract, the form of such contract and bond to be approved by the prosecuting attorney.

Superintendent of construction; compensation.

SECTION 13. Such road commissioners may select, in addition to the civil engineer, when necessary, a superintendent to superintend the construction of such improvement whenever, in their opinion, such civil engineer may not have the time to perform such duties, whose compensation shall not exceed four dollars per day for the time actually employed and in any event not more than one hundred dollars per month. No payments for work or materials shall be made except upon the estimates made by the engineer in charge, and by him duly certified of work actually performed and the materials actually furnished, and after reserving such per cent., not less than ten, as may be fixed by the parties to the contract to guarantee the performance thereof, and approved by the board of road commissioners or a majority thereof.

How payments to be made.

Roads improved to be free turnpikes; width of improved road; trustees may regulate width of tires.

SECTION 14. All roads improved under the provisions of this act shall be free turnpikes, nor shall any road be improved under the provisions of this act which is less than forty feet in width, and the trustees of any township within such road district shall have the power to regulate the width of tires to be used on such roads as is conferred

upon county commissioners in section 4904 of the Revised Statutes, and the penalties provided by section 4905 of said statutes shall be applicable and imposed for any violation of the rule adopted by such trustees to regulate travel upon such improved roads.

SECTION 15. Such superintendent and engineer, before entering upon their duties, shall take and subscribe to an oath of office, and shall give bond in the sum of three thousand dollars each, payable to the state of Ohio, for the use and benefit of such road district, conditioned that they will faithfully and honestly discharge their duties all and singular as superintendent and engineer of improved roads of such road district.

Oath and bond
of superintendent
and engineer.

SECTION 16. For the purpose of providing the money necessary to meet the expense of improving said roads the said board of road commissioners, if in their opinion it be advisable, shall issue bonds of such road district, payable at such times as they may determine, not exceeding fifteen years, in sums of five hundred to one thousand dollars each, bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually. But such bonds shall not be sold for less than their par value, and the aggregate amount of the bonds of any such road district at any one time outstanding shall not exceed one hundred and fifty thousand dollars. The sale of all such bonds shall be advertised for at least thirty days in two newspapers in such county, and the secretary of such board shall send marked copies of such advertisement to at least ten leading bond buyers in the state or other states, and such bonds shall be sold to the highest bidder. Said road commissioners shall have the right to reject any and all bids.

Issue of bonds.

SECTION 17. When the commissioners of any such road district have determined to improve any road or roads as herein provided, in order to provide for the payment of such improvement and to provide for the fund for the redemption of the bonds issued by them under the provisions of this act, together with the interest thereon, they shall report the same to the county commissioners who, in addition to the other road taxes authorized by law, shall levy annually, upon each dollar of the valuation of all the taxable property of said road district, an amount not exceeding three mills upon each dollar of such valuation, and shall continue such levy from year to year, until all the roads by such commissioners designated for improvement have been improved as herein provided, and the bonds issued for that purpose, together with the interest thereon, have been paid.

Advertisement
of sale of bonds.

Levy of taxes to
provide for pay-
ment of im-
provement and
redemption of
bonds.

SECTION 18. Such county commissioners of any such county shall cause the amount of the taxes by them levied each year, under this act, to be certified to the auditor of the county in which it is located as other taxes are certified to him, and the same shall be by him placed upon the duplicate of taxable property of such road district, includ-

Commissioners
to certify levy to
county auditor.

ing all cities and villages therein situated, and the same shall be collected by the county treasurer in like manner as other taxes are kept.

Repair of roads.

SECTION 19. Such roads so improved in said road district shall be kept in repair under the general statute as other roads are now repaired.

Receipt and disbursement of moneys.

SECTION 20. The treasurer of the county in which any such road district is situated, shall receive and disburse all moneys arising from the provisions of this act on certificate and orders as herein provided.

Duty of prosecuting attorney.

SECTION 21. The prosecuting attorney shall be the legal adviser of such board and approve all forms of contracts and bonds and approve all proceedings of such board.

SECTION 22. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives

ASAHEL W. JONES,
President of the Senate.

Passed April 26, 1898.

299G

[House Bill No. 742.]

AN ACT

To amend section 1230*b* of the Revised Statutes of Ohio.

Sheriff:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1230*b*, passed April 27, 1896, be so amended as to read as follows:

Fees and compensation of sheriff in counties of 22,500 or more.

Sec. 1230*b*. In all counties which at the last preceding federal census had a population of twenty-two thousand five hundred or more, and for which there is no provision made by law for the payment of the sheriff, he shall receive the following fees and compensation: For the service of every writ or summons and the return thereof (subpoena only excepted), when only one defendant is named therein, twenty-five cents; additional defendant, fifteen cents; levying each writ of execution on real or personal estate, or the service of an order of arrest upon the body of each defendant named in the writ, twenty-five cents, and mileage as in other cases; every bail bond, thirty cents; committing to prison or discharging therefrom, fifty cents; attending before judge or court, fifty cents; to be paid by the county unless upon a conviction, in which case it shall be taxed in the cost bill and paid by the state; serving a writ of possession with the aid of the county, one dollar and twenty-five cents; and without the aid of the county, sixty cents. The copy of any writ or process necessary to complete service, for each one hundred words, six cents; serving and returning a subpoena for each person named therein, ten cents; serving and returning a subpoena for each person

named therein to appear before the grand jury, ten cents, to be paid by the county upon the certificate of the clerk; serving and returning regular venire for petit or grand jury, or serving a special venire for petit jury to fill the panel, to be paid by the county, four dollars and traveling fees going and returning; for escorting a jury from court to place of view on each issue, forty cents. Summoning a special jury, including traveling fees, four dollars; traveling fees upon all writs, precepts and subpoenas, going and returning, eight cents per mile; provided that where more than one person be named in such writ, mileage shall be charged for the shortest distance necessary to be traveled; poundage on the amount of all sales (except in writs for the sale of real estate in partition) made by the sheriff on executions, decree, or sale of real estate one per centum thereof; service of one copy of pleading and return, the same fees as are allowed for the service of summons, including mileage, as herein provided; making a deed of land sold on execution, decree or order of court, to be paid by the purchaser, one dollar and seventy-five cents; serving any person with an order of court, and making a return thereto, twenty-five cents, and mileage as on service of summons; calling a jury, ten cents; opening court and calling each action, to be charged but once each term of the court in which the cause is pending, ten cents; calling each witness, five cents; bringing up a person on habeas corpus, sixty cents; summoning a jury in forcible entry or detainer, or in forcible entry only, one dollar and fifty cents; serving writ with [of] restitution, sixty cents, and mileage thereon as in other cases; calling an inquest to appraise lands and tenements under execution, one dollar; all advertisements in a newspaper, twenty-five cents, in addition to the price of printing; all written advertisements for the sale of property, either real or personal, twenty-five cents; executing a writ of partition, one dollar, and traveling fees as in other cases; selling real estate under an order of court in partition, three-fourth of one per centum, where the amount of the sale does not exceed two thousand dollars, and one-fourth of one per centum on the amount over and above that sum.

SECTION 2. That section 1230b, passed April 27, 1896, Repeals.
be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 25, 1898.

300G

[Senate Bill No. 206.]

AN ACT

To amend an act passed May 19, 1894, entitled "An act to regulate the trial by jury in all counties which now contain or which may hereafter contain a city of the second grade of the first class," (O. L., 91, page 793).

Trial by the
court:

Jury waived in
Hamilton and
Cuyahoga coun-
ties.

Deposit for jury
fees.

Court may order
case to be tried
by jury.
Pending cases;
party must de-
mand trial by
jury, etc.

Repeals.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That an act passed May 19, 1894 (O. L., 91, page 793), be amended so as to read as follows:

Sec. 1. The common pleas courts and superior courts in any county containing a city of the first or second grade of the first class may try all questions of law and fact arising in civil cases in said courts, and a jury shall be deemed waived in said court in all such cases unless a trial by jury be demanded by notice in writing to the clerk of the court by one of the parties at least five days before the first day of the term after the issues should be made up according to the statutes of Ohio, and at the time of making such demand, either a deposit shall be made with the clerk of the court of five dollars, which sum shall be appropriated by the county toward the payment of jury fees, or an affidavit in writing, made by the party demanding a jury, shall be filed by him to the effect that he is unable to make such deposit and cannot obtain money necessary for that purpose; but the court may at any time before trial order any case which it deems peculiarly fit to be tried by a jury to be so tried. Provided, however, that in all cases now pending in the courts of common pleas a party not wishing to waive a trial by jury, must demand a trial by jury and make a deposit or file an affidavit as aforesaid within thirty days after the passage of this act.

SECTION 2. An act passed May 19, 1894 (O. L., 91 vol. 793), is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 19, 1898.

301G

LOCAL LAWS.

[House Bill No. 44.]

AN ACT

To establish a special school district in Washington township, Clinton county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That a special school district, in the township of Washington, Clinton county, Ohio, to be known as the Cuba special school district, be and the same is hereby established in and of the following described territory, to wit: Beginning at a point on the west line of Washington township, where the land of F. F. Mitchell crosses the Washington township line; thence following the township line in a northerly direction, to where the township line crosses the Cuba and Clarksville pike; thence east along said pike to where the road leading to Ogden turns north; thence along said Ogden road to Cowan's creek; thence with the meandering of Cowan's creek in a northeast direction to the north line of Willard Bates; thence with Willard Bates' north line to the Wilmington and Westboro pike; thence crossing said pike in the same direction to the line of original survey No. 1,382, and the land of Wm. Clevenger; thence northeast with said survey line to the north corner of said survey; thence southeast with said survey line to the line of J. Brown's heirs; thence northeast with line of said J. Brown's heirs to the north corner of said land; thence southeast with said J. Brown's heirs' line to the Bethel pike; thence with said pike southwest to the survey line; thence with said survey line southeast to the east corner of said survey; thence continuing in the same direction along the survey line of No. 1,008 to the east corner of the land of Wm. Berlin; thence in a southwest course along the line of Wm. Berlin and E. Brown's heirs to the south corner of E. Brown's heirs' land; thence in a southerly direction across the lands of the heirs of J. McKibben to the east corner of a one hundred and six acre tract of land belonging to Margaret Carman; thence in a southwest course along the line of Margaret Carman to the survey line; thence southeast with the survey line to the township line; thence following the township line in a southwest course to the line of C. N. Cluxton; thence in a westerly course with C. N. Cluxton's line to the line of N. B. Hunter; thence south with Hunter's line to the corner of said Hunter's land; thence west with Hunter's south line and Henry Brown's south line to where the same intersects the south corner of J. Blackwell's survey No. 1,457; thence northwest on said survey line to the line of A. L. West; thence west with said West's south line to the line of H. C. Moore; thence southwest with said H. C. Moore and D. C. Bond's and J. Wm. McKay's lines to the pike leading from Road Imp. No. 14 to Macedonia; thence across the pike in the same direction to where the same intersects the survey line near East Fork;

thence northwest with the survey line to the township line and the place of beginning.

SECTION 2. Said special school district shall be entitled to receive its proportionate share of the school funds, and the funds levied for incidental expenses, in accordance with the enumeration of the year 1897 of school children entitled to attend school; said funds being those now collected within the township or county treasuries, but this provision shall be subject to the limitation contained in the succeeding section of this act. Said special school district shall be governed by such laws as now are, or may hereafter be, in force relating to special school districts.

SECTION 3. This act shall take effect and be in force from and after its passage, but it is not to affect any of the existing contracts of the board of education of said township pertaining to the schools now existing therein, but said existing contracts shall be executed according to the terms thereof, and in accordance with the laws now in force.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed February 2, 1898.

1L

[House Bill No. 103.]

AN ACT

To authorize the trustees of Dover township, Cuyahoga county, to make additional levy for the support of public library.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Dover township, Cuyahoga county, Ohio, be and they are hereby authorized to levy for the next thirteen (13) years, in addition to that already authorized by law, one-tenth of one mill on the taxable property of said township, for the support and maintenance of a public library.

SECTION 2. This act shall take effect and be in force from and after its passage.

JOHN E. GRIFFITH,
Speaker pro tem. of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed February 15, 1898.

2L

[House Bill No. 169.]

AN ACT

Authorizing the Washington county agricultural and mechanical association to sell a portion of its land.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the Washington county agricultural and mechanical association, a corporation existing under the provisions of section 3700, Ohio Revised

Statutes, being the owner of seventeen acres of land, more or less, in the city of Marietta, Ohio, said property being used for the purpose of holding the annual meetings or fairs of said association, be and it is hereby authorized and empowered to sell and convey, on such terms as it may deem proper, by deed or deeds of general warranty, a strip off the southeasterly end of said grounds, abutting on Front street or the extension of Front street in said city; said strip extending across the entire southeasterly end of said grounds, but not to exceed one hundred and twenty feet in depth from said Front street or the extension thereof; and such deed or deeds shall be executed by the president of said association.

SECTION 2. The money arising from the sale of said land or any part thereof shall be applied and used only for the purposes of paying or reducing the existing indebtedness of the association, of improving said grounds and the buildings thereon, or of purchasing another or additional site for said association; and said money shall be paid by the purchaser or purchasers of said land to the treasurer of said county of Washington, who shall pay it out only upon the certificate of the president and secretary of the association that the same is to be used for one or more of the purposes above named.

SECTION 3. This act shall take effect and be in force from and after its passage.

JOHN E. GRIFFITH,
Speaker pro tem. of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed February 15, 1898.

3L

[House Bill No. 86.]

AN ACT

To authorize the council of the village of Maumee, Lucas county, Ohio, to transfer money belonging to its police fund, to its old court-house fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village council of said village of Maumee be and said council is hereby authorized to transfer not to exceed eight hundred (\$800) dollars from said police fund to said old court-house fund, and use the same in making necessary repairs on said old court-house and on said old court-house ground, and in securing and perfecting the title of said village to said lots in which the title is defective and wanting in said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed February 15, 1898.

4L

[House Bill No. 65.]

AN ACT

To provide for the transfer of the custody and control of a part of the Western Reserve and Maumee state road, in trust, to the village of Clyde, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever and as soon as the commissioners of the county of Sandusky shall, by resolution duly passed, by them and entered on their journal, surrender to the village of Clyde all their powers and rights in so much of the Western Reserve and Maumee state road, as is now or hereafter may be within the corporated limits of said village, and said village, by its council, shall, by resolution duly passed by it and entered on its journal, accept the same, said part of said road, shall be thereto transferred, in trust, to the village of Clyde and shall be thereafter to all intents and purposes a street of said village and subject to all the laws and ordinances in any manner applicable to other streets therein, except that the same shall be forever maintained as and for a public highway.

SECTION 2. The commissioners aforesaid are hereby authorized and empowered to appropriate, from time to time, from the turnpike fund of said county, such sums as they may deem just and equitable, to be applied toward the cost and expenses, of improving and repairing the aforesaid part of said road.

SECTION 3. This act shall take effect and be enforced from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed February 15, 1898.

5L

[House Bill No. 52.]

AN ACT

To divide Springfield township, Jefferson county, Ohio, into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That Springfield township, Jefferson county, be and the same is hereby divided into two election precincts, by an east and west line along the north lines of sections two, eight and fourteen of township twelve, range two, known as Springfield township. All that portion of said township lying north of said line shall be known as Bergholz precinct, and the voting place be at the settlement of Bergholz; all that portion of said township lying south of said line shall be known as Amsterdam precinct, and the voting place to be at the settlement of Amsterdam.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed February 15, 1898.

6L

[House Bill No 231.]

AN ACT

To authorize the city council of Greenville, Darke county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of Greenville, Darke county, Ohio, be and is hereby authorized to transfer eighteen hundred (\$1800) dollars from the bridge fund to the street fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed February 17, 1898.

7L

[Senate Bill No. 7.]

AN ACT

To authorize the church trustees of certain religious societies situated in the south precinct of Union township, Ross county, Ohio, to convey by deed to the trustees of said Union township certain graveyards now under control of said church trustees.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the Presbyterian church, known as Union church, and the trustees of the Methodist Episcopal church, known as Union chapel, and the trustees of the Methodist Episcopal church, known as Dry Run chapel, all of which are situated in the south precinct of Union township, Ross county, Ohio; said trustees as aforesaid are hereby empowered and authorized to convey to the township trustees aforesaid the several burying grounds now under their control by deed, and said township trustees are hereby authorized to accept said deed, and to have the same made a matter of record by the township clerk of said township.

SECTION 2. The control of said burying grounds shall be under the charge and supervision of the township trustees of said township, who shall be governed by the general statutes now in force governing township cemeteries, so far as they may apply in this case. And for the proper care and improvement of said burying grounds, and for the purpose of acquiring and adding additional ground thereto, the township trustees of said Union township are hereby authorized to levy a tax of not to exceed one-half of one mill on the dollar of the taxable property of said south precinct of Union township, in addition to all the taxes they are now authorized by law to levy.

SECTION 3. Provided, however, before any of the authorities named in this act shall have power to proceed under this act, the matter herein contained shall be submitted to a vote of the qualified electors of said south precinct of Union township, Ross county, Ohio, at the first regular November election after the passage of this act, and in the following manner, to wit: Thirty days' notice shall be given by the trustees posting notices

in at least five of the most public places in said precinct, and the electors of said precinct shall have written or printed on their ballots the words, "Precinct cemeteries — Yes," "Precinct cemeteries — No." And said ballots shall be deposited in a ballot-box to be furnished by the trustees of said township. The vote shall be counted by the judges and clerks of election, and the returns of said election shall be made to the trustees of the township; and if two-thirds of the vote cast shall be in the affirmative, then the trustees of said churches and the trustees of said township shall have power to act.

SECTION 4. That the act passed April 27, 1896, Ohio Laws, vol. 92, pages 736 and 737, is hereby repealed, and this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed February 23, 1898.

8L

[House Bill No. 45.]

AN ACT

To authorize the county commissioners of Coshocton county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of the county of Coshocton and state of Ohio, be and are hereby authorized to transfer two thousand (\$2,000) dollars from the poor fund, and the further sum of six thousand (\$6,000) dollars from the road fund, of said county, to the county fund; and that said commissioners are further authorized to transfer five thousand (\$5,000) dollars from the road fund to the bridge fund.

SECTION 2. That this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed February 24, 1898.

9L

[House Bill No. 7.]

AN ACT

To authorize the council of the incorporated village of Athens, in Athens county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That the council of the incorporated village of Athens, in Athens county, Ohio, be and is hereby authorized to transfer ten thousand dollars (\$10,000) from the street fund to the water-works fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed February 24, 1898.

10L

[House Bill No. 145.]

AN ACT

To authorize the county commissioners of Crawford county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of the county of Crawford, and state of Ohio be and are hereby authorized to transfer seven thousand and five hundred (\$7,500) dollars from the ditch fund, and the further sum of three thousand and nine dollars and fourteen cents (\$3,009.14) from the dog fund to the bridge fund of said county; and that said commissioners are further authorized to transfer five thousand (\$5,000) dollars from the ditch fund, three thousand (\$3,000) dollars from the building fund, and fourteen hundred (\$1,400) dollars from the dog fund to the county fund of said county.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed March 2, 1898.

11L

[House Bill No. 180.]

AN ACT

To authorize the board of education of the city [school] district of the second class, of Galion, Crawford county, Ohio, to issue bonds and to levy a tax for the same, to purchase sites and to erect and furnish additional school buildings thereon.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the city school district of the second class of the city of Galion, Crawford county, Ohio, be and it is hereby authorized and empowered to issue the bonds of the said school district in such amounts as it may determine, not to exceed the sum of fifteen thousand dollars in the aggregate, bearing interest at any rate not exceeding six per cent. per annum, payable semi-annually, said bonds to be made payable at a period not less than five years, nor more than fifteen years from the date of their issue, at the pleasure of said board.

SECTION 2. Said bonds shall be signed by the president of said board, and attested by its secretary, who shall register same, and said bonds shall be negotiable and be sold at such times and in such amounts as the said board may deem best, to the highest bidder, after the sale thereof has

been advertised for at least three weeks in one or more newspapers, published within said city school district, but in no case shall any of said bonds be sold for less than their par value.

SECTION 3. Said board of education is hereby authorized, whenever it shall, in its opinion, be necessary, to levy a tax to pay said bonds or the interest thereon, and shall certify such levy to the auditor of Crawford county, Ohio, and said auditor shall cause any sum so certified by said board to be levied upon all the taxable property of said city school district and the same shall be collected as other school taxes are or may be, and paid into the treasury of said board in like manner; provided, however, that no levy in any one year made for the purposes aforesaid, shall exceed two mills upon the dollar of the valuation of said district.

SECTION 4. The amount arising from the sale of said bonds shall constitute and be a building fund, and shall be used and applied only for the purchase of sites for school grounds and to erect and furnish school buildings thereon, or on grounds now owned by said board; and all moneys realized from the levy of taxes herein authorized, shall be applied to the payment of the bonds aforesaid and the interest thereon.

SECTION 5. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,

Speaker of the House of Representatives.

THADDEUS E. CROMLEY,

President pro tem. of the Senate.

Passed March 2, 1898.

12L

[House Bill No. 51.]

AN ACT

To release the sureties of George W. Smith, ex-treasurer of Green township, Hocking county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education and trustees of Green township, Hocking county, Ohio, or either of said bodies, are hereby authorized to fully release and discharge W. E. Smith, S. C. Smith, A. M. Sparks and Culve Smith, as sureties on certain promissory notes, executed by George W. Smith, to make good an alleged shortage of said George W. Smith as treasurer of said township. Provided that this act shall not be so construed as to authorize or compel the refunding of any money already paid on said obligation. Provided the trustees or the board of education of said township of Green shall submit said proposition to release, upon ten days' notice being given by printed notices put up in five of the most public places of the township to the qualified electors of said township at any special or general election. And the two thirds majority of electors at such election voting on said proposition shall declare in favor of such release. Those favoring such release shall have printed or written on the regular tickets voted by them the words, "Release of treasurer's

sureties — Yes," and those opposed, "Release of treasurer's sureties — No."

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed March 2, 1898.

13L

[House Bill No. 150.]

AN ACT

To amend section 1 of an act entitled "An act to authorize the trustees of certain townships in Fulton county, Ohio, to levy taxes to improve public highways in the said townships."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1 of an act entitled "An act to authorize the trustees of certain townships in Fulton county, Ohio, to levy taxes to improve the public highways in said township," as amended May 9, 1894, be amended so as to read as follows:

Sec. 1. That the trustees of the several townships, to wit, German, Clinton, York, Chesterfield, Dover, Gorham, Franklin, Pike, Royalton, Amboy, Fulton and Swancreek, in the county of Fulton, in the state of Ohio, be and are hereby authorized to levy and assess upon the taxable property of their respective townships, a tax not exceeding four (4) mills, in any one year, upon the dollar valuation of the taxable property of said townships, in addition to other taxes authorized by law, for the purpose of improving, by macademizing or graveling, the public highways in said townships, respectively, as may be deemed expedient or necessary by the board of trustees of said township, and for no other purpose:

SECTION 2. Said original section 1, as amended May 9, 1894, is hereby repealed, and this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed March 2, 1898.

14L

[House Bill No. 30.]

AN ACT

Authorizing the trustees of Clay township, Montgomery county, to place "Parish cemetery" in said township under the care and control of a board of trustees.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Clay township, Montgomery county, Ohio, shall be and are hereby authorized to create and maintain a board of managers, consisting of three members, for the control and management of the cemetery, known as "Parish cemetery," located near the village of Arlington, in said township, county and state.

SECTION 2. That the said board of cemetery managers shall be composed of one of the township trustees whose term shall expire within one year, and two citizens who are not members of the board of township trustees, to be elected for the term of one and two years, respectively, at the next regular election, and thereafter one shall be elected every year for the term of two years.

SECTION 3. That it shall be the duty of said board of cemetery managers to supervise to the best advantage all work and business pertaining to the proper preservation and maintenance of said grounds.

SECTION 4. That the Clay township trustees are hereby authorized to levy a tax in accordance with the recommendations of the board of cemetery managers, not to exceed one hundred dollars per year, which shall be placed with the present Clay township cemetery fund, to be applied to the improvement and maintenance of the aforesaid cemetery.

SECTION 5. In case of vacancies in the said board of cemetery managers, the board of township trustees shall fill the same, to hold good until the next election.

SECTION 6. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed March 2, 1898.

15L

[House Bill No. 151.]

AN ACT

To create a village school district out of certain territory in Richland township, Guernsey county, Ohio, and Wayne township, Noble county, Ohio, to be known as Senecaville village school district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the following territory in Richland township, Guernsey county, Ohio, to wit: Being all of section twenty-one (21) and twenty-two (22); the east half of the southwest quarter of section nineteen (19); the southeast quarter of section nineteen (19); the northeast quarter of section nineteen (19); all of section twenty (20), except a 40-acre tract off of the north side of the northeast quarter of said section twenty (20); the above described territory being in township one (1), range two (2); also the northeast quarter of section one (1) in township eight (8), range number nine (9); also the following territory in Wayne township, Noble county, Ohio, to wit: The northwest quarter of section six (6) and the northwest quarter of the northeast quarter of section six (6). The above territory being in range eight (8), township eight (8), shall be and is hereby created and declared to be a village school district to be known as the Senecaville village school district.*

SECTION 2. All the property within said described territory shall belong to and be the property of said village school district; and said village school district shall be entitled to receive its proportionate share of the school funds and the funds levied for contingent purposes in accord-

ance with the last enumeration of children who are entitled to attend school.

SECTION 3. Said territory in said Senecaville school district, shall for all school purposes be under the control and jurisdiction of the board of education having control of the schools and school property in the village of Senecaville, Guernsey county, Ohio, and all qualified voters having legal residence in said territory in Senecaville village school district shall have the right to vote for members of such board of education as may be hereafter elected, and such voters shall be eligible to be chosen members of such board of education.

SECTION 4. The board of education is authorized to issue bonds and levy a tax for the purchase of site and erecting a school building thereon at a cost not to exceed five thousand dollars (\$5,000), also for levying this tax from year to year according to law, the levy in any one year not to exceed eight hundred dollars (\$800), until the sum of five thousand dollars (\$5,000) and accrued interest is raised.

SECTION 5. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed March 2, 1898.

16L

[Senate Bill No. 47.]

AN ACT

To authorize the county commissioners of Van Wert county to issue certain bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Van Wert county, Ohio, be and they are hereby authorized to issue bonds of said county in the sum of forty-three thousand dollars, bearing interest at a rate not exceeding five per cent. per annum, payable semi-annually, and to be of the denomination of one thousand dollars each, the principal to be payable at the county treasury of said county in sums and at times as follows: Three thousand dollars in two years; five thousand dollars in three years; five thousand dollars in four year years; five thousand dollars in five years; five thousand dollars in six years; five thousand dollars in seven years; five thousand dollars in eight years; five thousand dollars in nine years; five thousand dollars in ten years. Said bonds to be sold to the highest bidder, after having been advertised three times, weekly, in a newspaper having a general circulation in said county, and three times, weekly, in a newspaper having a general circulation in the state. Said advertisement shall state the total amount of bonds to be sold, the amount of each bond, how long they are to run, the rate of interest to be paid thereon, whether semi-annual, the law authorizing their issue, the day, hour and place in the county where they are to be sold. None of said bonds shall be sold for less than the face [value] thereof with any interest that may accrue thereon; and the privilege shall be reserved to reject all or any bids, and if said bids are rejected, said bonds shall again be advertised in the

same manner. Of the money arising from the sale of said bonds, the sum of twenty-one thousand dollars shall be paid into the general ditch fund; the remainder shall be paid into the general county fund.

SECTION 2. For the purpose of paying the bonds issued under this act, and the interest thereon, the board of county commissioners of said county are authorized to levy the sum of eight-tenths of one mill annually, until said bonds are paid upon all of the taxable property in said county, in addition to the general levies now allowed by law. Before said bonds shall be issued or the tax levied for the payment thereof, the proposition to issue said bonds and levy said tax shall be submitted by the county commissioners to the electors of said county at a general or special election, after giving fifteen days' notice by publication in two newspapers of general circulation in the county, and if a majority of the electors in said county voting on said proposition, shall declare in favor of the issuing of said bonds and the levying of said tax, then and not otherwise said county commissioners may issue and sell said bonds, and levy said tax for the payment thereof. The ballots for said election shall have printed thereon the words, "For issuing bonds and levying tax" and "Against issuing bonds and levying tax."

SECTION 3. This act shall take effect from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed March 3, 1898.

17L

[House Bill No. 218.]

AN ACT

For the relief of D. V. Heck.

WHEREAS, D. V. Heck, treasurer of Clay township, Tuscarawas county, Ohio, had on deposit in the Dennison deposit bank, of Dennison, Ohio, the sum of \$2,009.01; and,

WHEREAS, Said bank made an assignment on the 28th day of July, 1896, for the benefit of its creditors; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That the said D. V. Heck and the sureties on his official bond as treasurer as aforesaid, be and are wholly relieved and released from the payment to said township of Clay, or to the officers thereof, or [of] whatever part of the two thousand nine dollars and one cent (\$2,009.01) that shall remain due said D. V. Heck as treasurer aforesaid from said Dennison deposit bank, of Dennison, Ohio, upon final settlement of the affairs of said bank; and they and each of them shall be relieved and forever released from all liability for said sum, and the assignee of said bank is hereby authorized and directed to pay into the treasury of said township all dividends that may hereafter be declared in favor of said claim from the assets of said bank.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed March 3, 1898.

18L

[House Bill No. 463.]

AN ACT

To divide Delaware township, Defiance county, into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That Delaware township, Defiance county, Ohio, be and the same is hereby divided into two election precincts as follows: All of that portion of said township lying west of a parallel line drawn across said township from north to south on half section line, across sections number four (4), nine (9), sixteen (16), twenty-one (21), twenty-eight (28) and thirty-three (33), being two and one-half miles east and west and six miles north and south, to be known as the west precinct, and all of that portion of said township lying east of said dividing line, being three and one-half miles east and west and six miles north and south, to be known as the east precinct.

SECTION 2. This act shall take effect and be in force from and after its passage.

JOHN E. GRIFFITH,
Speaker pro tem. of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed March 10, 1898.

19L

[House Bill No. 53.]

AN ACT

To transfer certain school territory in Smithfield township, Jefferson county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That lot eleven, section ten, range three, of Smithfield township, Jefferson county, containing about one hundred and two acres (now owned by Joel H. Carr), and situated in subschool district No. 5, of said township, be and the same is hereby transferred to special or independent district No. 3 of said Smithfield township.

SECTION 2. This act shall take effect and be in force from and after its passage.

JOHN E. GRIFFITH,
Speaker pro tem. of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed March 10, 1898.

20L

[House Bill No. 58.]

AN ACT

To authorize the board of education of Archbold village special school district, of Archbold, Fulton county, Ohio, to levy a tax to pay indebtedness and for expenses of continuing schools in said district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the members of the board of education of Archbold village special school district, of Archbold, Fulton county, Ohio, be and is hereby authorized to levy in addition to the amount now allowed by law, a tax not to exceed five mills on the dollar for the years 1898, 1899, 1900, 1901, 1902 and 1903, on all taxable property of said district, for the purpose of paying indebtedness incurred in building a school-house and for the purpose of continuing schools in said district.

SECTION 2. This act shall take effect and be in force from and after its passage.

JOHN E. GRIFFITH,
Speaker pro tem. of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
21L

Passed March 10, 1898.

[House Bill No. 143.]

AN ACT

To authorize the commissioners of Clinton county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of county commissioners of Clinton county, Ohio, are hereby authorized to transfer from the county building fund to the credit of the general county fund the sum of forty-nine thousand dollars (\$49,000), and from the county ditch fund to the credit of the general county fund the sum of fifteen thousand dollars (\$15,000).

SECTION 2. This act shall take effect and be in force from and after its passage.

JOHN E. GRIFFITH,
Speaker pro tem. of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
22L

Passed March 10, 1898.

[House Bill No. 209.]

AN ACT

To authorize the board of education of Jackson township, Auglaize county, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Jackson township, Auglaize county, be and are hereby authorized to transfer the sum of one thousand dollars

(\$1,000) from contingent fund to the tuition fund, for the purpose of correcting an error on the book.

SECTION 2. This act shall take effect and be in force from and after its passage.

JOHN E. GRIFFITH,
Speaker pro tem. of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed March 10, 1898.

23L

[House Bill No. 242.]

AN ACT

To authorize the commissioners of Montgomery county, Ohio, to levy an additional tax for the [improvement of the] fair grounds of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Montgomery county, of Ohio, be and they are hereby authorized and empowered to levy upon the taxable property of said Montgomery county, one-tenth of one mill on the dollar, for the years 1898 and 1899 only, in addition to all levies now authorized by law, for the purpose of improving the fairgrounds of said Montgomery county. The money collected under the provisions of this act shall be paid into the county treasury and placed to the credit of the Montgomery county agricultural board and be subject to the order of said board for the purposes declared in this section only.

SECTION 2. This act shall take effect and be in force from and after its passage.

JOHN E. GRIFFITH,
Speaker pro tem. of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed March 10, 1898.

24L

[House Bill No. 270.]

An ACT

To authorize the board of education of the city of Piqua, Miami county, Ohio, to issue bonds for the purposes therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the city of Piqua, in the county of Miami, and state of Ohio, be and it is hereby authorized and empowered to issue the bonds of said board, not to exceed in amount the sum of twenty-five thousand dollars, bearing a rate of interest not to exceed six per cent. per annum, payable semi-annually, and dispose of the same at public, or private sale, at not less than their par value; the proceeds from the sale of said bonds to be applied to the enlargement of the present school buildings, or the erection of new buildings, or both, and suitably furnishing the same, as said board may deem to be most expedient; said bonds shall be payable at such time or times as said

board may determine, not exceeding twenty years from the respective dates thereof. Said bonds shall be issued in sums not less than one hundred dollars, nor more than one thousand dollars each, signed by the president and attested by the clerk of the board, and said board may at their discretion have coupons attached.

SECTION 2. That for the purpose of paying the bonds issued under section one of this act, and the interest thereon as the same shall become due, said board of education is hereby authorized to levy annually a tax on all the taxable property in said school district, sufficient therefor in addition to the tax now allowed by law to be levied for school purposes.

SECTION 3. This act shall take effect and be in force from and after its passage.

JOHN E. GRIFFITH,
Speaker pro tem. of the House of Representatives

ASAHEL W. JONES,
President of the Senate
25L

Passed March 10, 1898.

[House Bill No. 279.]

An ACT

To authorize the board of education of St. Clairsville special school district of Belmont county, Ohio, to pay Clara A. Alexander.

WHEREAS, Clara A. Alexander has been teaching room number four in St. Clairsville special school district, Belmont county, Ohio, for ten years last past; and was employed, by said board of education, to teach in the same room, for the school year commencing September 1, 1897, at the rate of forty dollars per month; and,

WHEREAS, By mistake and oversight, the said Clara A. Alexander taught said school from the sixth day of September, 1897, to the ninth day of October without having a legal certificate to teach school.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That the board of education of St. Clairsville special school district, Belmont county, Ohio, and they are hereby authorized, empowered and required to draw their warrant or order upon the treasurer of said special school district, and to pay the same in favor of the said Clara A. Alexander for the sum of fifty dollars, the amount due said Clara A. Alexander for teaching said time, and that the treasurer of said school district be directed and required to pay said Clara A. Alexander the amount of said warrant out of any funds in his hands that may be applicable to the payment of teachers in said district.

SECTION 2. This act shall take effect and be in force from and after its passage.

JOHN E. GRIFFITH,
Speaker pro tem. of the House of Representatives

ASAHEL W. JONES,
President of the Senate
26L

Passed March 10, 1898.

[House Bill No. 284.]

An ACT

To authorize the board of education of the village of Roseville, Muskingum county, Ohio, to pay Marguerite Diltz, a teacher of the public school in said village, the sum of \$20.62 on salary due her for services rendered during the year 1897.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the village of Roseville, Muskingum county, Ohio, be and are hereby authorized to pay Marguerite Diltz \$20.62 from tuition fund in school treasury of said village, for services rendered as teacher in the public school of said village during the year 1897.

SECTION 2. This act shall take effect and be in force from and after its passage.

JOHN E. GRIFFITH,
Speaker pro tem. of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed March 10, 1898.

27L

[House Bill No. 315.]

An ACT

For the relief of Marion C. Crane, treasurer of Tully township, Marion county, Ohio; George E. Lingel, treasurer of Green Camp township, Marion county, Ohio; Christian Kraner, treasurer of Richland township, Marion county, Ohio, and the sureties upon their official bonds.

WHEREAS, On the nineteenth day of October, A. D. 1896, the Marion deposit bank in the city of Marion, Ohio, failed in a large amount;

WHEREAS, Marion C. Crane, treasurer of Tully township, Marion county, Ohio, had on deposit in said bank as such treasurer at the time of such failure money belonging to said treasurer in the sum of one thousand three hundred and fifty-nine dollars and ninety-eight cents, one thousand dollars of which belonged to the school funds of said Tully township and the balance to the township fund; and,

WHEREAS, George E. Lingel, as treasurer of Green Camp township, Marion county, Ohio, had at the same time on deposit in said bank the sum of two thousand three hundred and thirty-six dollars and fifty-six cents; and,

WHEREAS, Christian Kraner, as treasurer of Richland township, Marion county, Ohio, had at the same time on deposit in said bank six hundred and forty-one dollars and forty-one cents, belonging to said township; and,

WHEREAS, The trustees of the above named townships did not furnish said treasurers nor either of them with a safe or other means of protecting such funds in their hands; and,

WHEREAS, Without fault or negligence on the part of any of the said above named treasurers said bank became insolvent and made a general assignment for the benefit of its creditors; and,

WHEREAS, The said bank will not be able to pay its depositors in full; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the said Marion C. Crane, George E. Lingel and Christian Kraner, and their respective bondsmen be and the same are hereby released from all payment of and liability for so much of the aforesaid funds as the assignees of said Marion deposit bank shall fail to repay to the said Marion C. Crane, George E. Lingel and Christian Kraner on the full and final settlement of said assignment, and they and each of them shall be relieved of any and all liability for said sum. And the boards of trustees of said townships and the board of education of said Tully township are hereby authorized and required by suitable resolutions to make an entry on the records of said townships, releasing the said Marion C. Crane, George E. Lingel and Christian Kraner and the sureties on their official bonds as such treasurers from the payment of any balance remaining unpaid of said money deposited by them in said bank, provided that the same be referred to a vote of the electors affected by the same, at the next general election after the passage of this act; and, provided, that a majority of the electors so voting shall vote for said release. And the assignees of said bank are hereby authorized and required to pay to the treasurers of said townships all dividends that may hereafter be declared from the assets of said bank.

SECTION 2. This act shall take effect and be in force from and after its passage.

JOHN E. GRIFFITH,
Speaker pro tem. of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
28L

Passed March 10, 1898.

[Senate Bill No. 191.]

AN ACT

To amend sections 1, 3 and 9 of an act entitled "An act fixing the compensation of county officers in counties containing a city of the second grade of the first class, passed April 23, 1896 (92 O. L., 602).

[CUYAHOGA COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That sections 1, 3 and 9 of an act passed April 23, 1896 (92 O. L., 602), be amended so as to read as follows:

[Sec. 1.] That in each county containing a city of the second grade of the first class, the compensation of the officers thereof shall be as follows: Clerk of the court of common pleas, an annual salary of four thousand dollars, then twenty per cent. the first year, after the passage of this act, twenty per cent. the second year, after the passage of this act, and ten per cent. thereafter of all fees actually collected by him and paid by said clerk into the fee fund as hereinafter provided; sheriff, an annual salary of four thousand (\$4,000) dollars a year, and twenty per cent. the first year, twenty per cent. the second year, after the passage of this act, and ten per cent. thereafter of all fees actually collected by him and paid into the fee fund by said sheriff as hereinafter provided; treasurer,

an annual salary of seven thousand (\$7,000) dollars; and the legal penalty of five per centum on all delinquent chattel taxes paid or collected, but the treasurer shall hire at his own expense all collectors employed for that special purpose; auditor, an annual salary of five thousand (\$5,000) dollars; recorder, an annual salary of four thousand five hundred (\$4,500) dollars; probate judge, an annual salary of five thousand (\$5,000) dollars; coroner, an annual salary of two thousand five hundred (\$2,500) dollars; judge of the court of insolvency, an annual salary of two thousand five hundred (\$2,500) dollars, which sums shall be paid to them monthly out of the fee fund of the county hereinafter provided for, upon the warrant of the county auditor; it being the intent and purpose of this section to limit the compensation from all sources of the officers named, to the sums hereinbefore specified.

Sec. 3. Each of the several officers named in the preceding sections shall submit to the county commissioners, monthly, during each year of their official term, a certificate and sworn statement in detail of all the costs, fees, percentages, penalties, allowances and other perquisites of every kind in any cause, matter or proceeding received by him for services rendered during the month next preceding the time of making such statement.

Sec. 9. None of the said officers shall be authorized to make any reduction, abatement or remission of any fee, cost, percentage, penalty or allowance that may be their duty to charge or collect, except upon the order of the presiding judge of the court in which said action is brought, and when the judge shall make any such order, it shall be entered upon the journal of said court, setting forth the reason for any such reduction, abatement or remission; nor shall any such reduction, abatement or remission be made by any of the officers aforesaid, until such entry has first been made upon the journal of said court.

SECTION 2. Sections 1, 3 and 9 of an act passed April 23, 1896 (92 O. L., 602), are hereby repealed. This act shall be in force and take effect immediately from and after its passage.

JOHN E. GRIFFITH,
Speaker pro tem. of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed March 11, 1898.

29L

[Senate Bill No. 127.]

AN ACT

To amend sections 1 and 2 of an act passed March 31, 1892, entitled "An act to provide for the improvement of state and county roads in counties containing a city of the second grade of the first class." [89 O. L., 199, 4670-1.]

[CUYAHOGA COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 1 and 2 of an act passed March 31, 1892, entitled "An act to provide for the improvement of state and county roads in counties containing a city of the second grade of the first class," be amended so as to read as follows:

Sec. 1. In counties containing a city of the second grade of the first class, the commissioners, at their March or June session annually, in addition to the levy authorized for road and bridge purposes by section 2824 of the Revised Statutes, shall levy on each dollar of valuation of taxable property within said county, five-tenths of a mill; and in addition thereto, on each dollar of valuation of taxable property within the townships outside of the cities and incorporated villages, which townships outside of the cities and incorporated villages are hereby made a taxing district for that purpose, one mill for the creation of a fund to be known as the state and county road improvement fund, and to be used for the improvement of state and county roads outside of such municipal corporations.

Sec. 2. The county commissioners of such counties shall have power to improve any such state or county road or any part thereof, by straightening or altering the same, and by grading, paving with steel rails, stone or brick or other suitable material, or a combination of any or all of these materials, graveling, planking or macadamizing the same and shall use the funds hereinbefore created for that purpose.

SECTION 2. The original sections 1 and 2 are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

JOHN E. GRIFFITH,
Speaker pro tem. of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.
30L

Passed March 11, 1898.

[House Bill No. 97.]

AN ACT

For the relief of J. Scott White, treasurer of the special union school district of Columbiana, in the county of Columbiana, and state of Ohio.

WHEREAS, On the first day of December, 1896, J. Scott White was treasurer of the special union school district of Columbiana, county of Columbiana, and state of Ohio, and as such treasurer had on deposit with the banking firm of J. Esterly and Co., in said village, the sum of sixteen hundred and twenty-six dollars;

WHEREAS, On the first day of December, 1896, J. Esterly, the manager and principal owner of said banking institution of J. Esterly and Co., died, and that said bank was not opened from the death of said J. Esterly until after the receivers were appointed to wind up the affairs of said company on the 21st day of December, 1896.

WHEREAS, The receivers of said banking company will not be able to realize on the assets coming into their hands a sufficient amount to pay the liabilities of said banking company in full.

WHEREAS, The said J. Scott White, treasurer aforesaid, was not furnished with a safe in which to keep said funds.

WHEREAS, The said banking institution of J. Esterly and Co., did a large and seemingly prosperous banking business; had on deposit a

large amount of money, and enjoyed the confidence of the people in the community in which they did business.

WHEREAS, There is in the treasury of said special union school district funds sufficient that it will not be necessary to levy additional tax to carry into effect the provisions of this act.

WHEREAS, Eighty-six per cent. of the electors and ninety per cent. of the tax-paying electors of said village have, by their petition, expressed a desire to have the said J. Scott White and the sureties upon his official bond released from any loss or liabilities growing out of the failure of said banking company; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That J. Scott White, treasurer of the special union school district of Columbiana, county of Columbiana, and state of Ohio, and the sureties of his official bond as such treasurer, be, and the same are hereby relieved from the payment to said special union school district, or either or any of the said officers thereof, whatever part of the said sum of \$1,626 that shall remain unpaid to the said J. Scott White from the said receivers of the said banking company upon the settlement of its affairs.

SECTION 2. This act shall take effect and be in force from and after its passage.

JOHN E. GRIFFITH,
Speaker pro tem. of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed March 11, 1898.

31L

[Senate Bill No. 98.]

AN ACT

To authorize the board of education of the Eaton village school district, in Washington township, Preble county, Ohio, to borrow money.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Eaton village school district, in Washington township, Preble county, be and it is hereby authorized to borrow money to an amount not exceeding seven thousand dollars (\$7,000), for the purpose of providing for any deficit in the school fund for the current year; repairing and remodeling school-houses, and continuing the schools in said district.

SECTION 2. Said board is authorized to issue its bonds for said sum, or so much thereof as may be necessary for the purposes named, to bear interest not exceeding six per cent. per annum, payable semi-annually, to be in denominations of \$500, and to mature within seven years from date of issue.

SECTION 3. It shall be the duty of said board to provide for the payment of the principal and interest as the same become due and payable, and for that purpose said board of education may levy one mill in addition to all other taxes now authorized to be levied, for not more than three (3) years, which shall be within said period of seven years.

SECTION 4. This act shall take effect and be in force from and after its passage.

JOHN E. GRIFFITH,
Speaker pro tem. of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed March 11, 1898.

32L

[Senate Bill No. 140.]

AN ACT

To provide for an official stenographer for Hancock county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That the judges of the court of common pleas of the first subdivision of the tenth judicial district of Ohio, and the probate judge of Hancock county, Ohio, by and with the consent and approval of the circuit judges in and for the third judicial circuit of Ohio, within thirty days from and after the passage of this act, and every three years thereafter, shall appoint for the probate court, court of common pleas and circuit court of Hancock county, Ohio, an official stenographer, which stenographer so appointed and approved, shall hold his or her position for the term of three years from and after the date of said approval, and until his or her successor be appointed and approved; and such official stenographer shall appoint such number of assistant stenographers as may be necessary, by and with the consent and approval of the judges of the court of common pleas of the first subdivision of the tenth judicial district of Ohio; said stenographer or assistant stenographers shall not, during the term of said appointment, be the partner, clerk, student or employee of any attorney at law practicing in said courts.

SECTION 2. That such official stenographer and assistant stenographers shall, before entering upon the duties of said position, take an oath that he or she will faithfully discharge the duties of said position. It shall be the duty of such official stenographer, at the request of either party to an action, and when directed by the court, to make, or cause to be made, accurate stenographic notes of the testimony of the witnesses, the charge of the court to the jury, all opinions rendered, and such other stenographic notes as may be required by the court; and the stenographic notes so taken shall be the property of the county and filed and preserved in the office of such official stenographer. It shall also be the duty of such official stenographer to make, or cause to be made, at the request of either party or their attorney, an accurate transcript into longhand of the notes so taken, or such portion thereof, as may be required, upon the payment by said party or attorney, of the fees of said stenographer, as provided in section 3 of this act. It shall also be the duty of such official stenographer, when ordered by the court, to make, or cause to be made, an accurate transcript into longhand, of the notes so taken or such portion thereof as may be required for the use of the judge or judges hearing said cause. It shall also be the duty of such official stenographer, when ordered by the prosecuting attorney of said county, to make, or cause to be made, an accurate transcript, into longhand, of the notes

so taken in all criminal cases, or such portion thereof as may be requested by said prosecuting attorney.

SECTION 3. Said official stenographer, as herein provided for, shall receive a salary not to exceed eighteen hundred dollars per annum, to be fixed by the circuit judges in and for the third judicial circuit of Ohio, at the time the appointment is approved, which salary shall be in lieu of all per diem fees in said probate court, common pleas [court] and circuit court. And it shall be the duty of the county auditor of said county to issue warrants on the treasurer of said county to the order of said official stenographer for the payment of such salary out of the general fund, in equal monthly installments, upon presentation to him of a certified copy of the journal entry fixing said salary, which certified copy shall be furnished said official stenographer on demand by the clerk of the court of common pleas of said county at the expiration of each and every month. Said official stenographer shall receive for making the transcript of said notes into longhand, as provided in section 2 of this act, in addition to said salary, eight cents per folio of one hundred words, and when more than one such transcript shall be ordered at the same time, the fee for making such additional transcript, or such portion thereof, shall be one-third the fee allowed for the first copy, and shall be paid for in the same manner. All transcripts ordered by the judge or judges hearing said cause, a minute of which shall be entered on the court docket and by the prosecuting attorney in criminal cases, as provided by section 2 of this act, shall be paid for out of the county treasury of said county, and the clerk of the court shall certify the amount due said official stenographer for such transcript, and upon presentation of said certificate to the auditor of said county, the auditor shall draw his warrant upon the treasurer of said county for the payment of said amount out of the general fund of said county. That the services rendered by the assistant stenographers shall be paid for by the official stenographer.

SECTION 4. That in every case in the probate court, common pleas court or circuit court of said county, in which said official stenographer takes, or causes to be taken, stenographic notes, there shall be taxed as part of the costs of the case for each day or part of a day's service of such official stenographer or assistant stenographers, a fee of five dollars. And the clerk of the court shall furnish the auditor of the county, under oath, an itemized statement quarterly of the amount of such fees charged, and the amount of such fees collected, and shall at the same time pay into the treasury of the county the amount of the fees thus collected, which, by said treasurer, shall be placed to the credit of the general fund of said county.

SECTION 5. Such official stenographer shall have power within said county to take and certify depositions, and in taking such depositions, shall have power to swear witnesses, and for such services, shall be entitled to receive such fees as are provided for by law for similar purposes.

SECTION 6. Said official stenographer shall be furnished a room in the court-house of said county, and all stationery and supplies necessary for the use of said stenographer in the proper discharge of his or her duties, and the preservation of the stenographic notes shall be furnished by the commissioners of said county, and paid for out of the general fund of said county.

SECTION 7. This act shall take effect and be in force from and after its passage.

JOHN E. GRIFFITH,
Speaker pro tem. of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed March 11, 1898.

33L

[House Bill No. 95.]

AN ACT

For the relief of Jacob N. Yoder, ex-treasurer of the village of Columbiana, in the county of Columbiana and state of Ohio.

WHEREAS, On the first day of December, 1896, Jacob N. Yoder was treasurer of the village of Columbiana, county of Columbiana and state of Ohio; and as such treasurer had on deposit with the banking firm of J. Esterly and Co., in said village, the sum of twelve hundred and twenty 43-100 dollars.

WHEREAS, On the first day of December, 1896, J. Esterly, the manager and principal owner of said banking institution of J. Esterly and Co., died, and that said bank was not opened from the death of said J. Esterly until after receivers were appointed to wind up the affairs of said company on the 21st day of December, 1896.

WHEREAS, The receivers of said banking company will not be able to realize on the assets coming into their hands a sufficient amount to pay the liabilities of said banking company in full.

WHEREAS, The said Jacob N. Yoder, treasurer aforesaid, was not furnished with a safe in which to keep said funds.

WHEREAS, The said banking institution of J. Esterly and Co. did a large and seemingly prosperous banking business; had on deposit a large amount of money, and enjoyed the confidence of the people in the community in which they did business.

WHEREAS, There is in the treasury of said village, funds sufficient that it will not be necessary to levy additional tax to carry into effect the provisions of this act.

WHEREAS, Eighty-five per cent. of the electors and ninety-six per cent. of the tax-paying electors of said village, have by their petition expressed a desire to have the said Jacob N. Yoder and the sureties upon his official bond released from any loss or liabilities growing out of the failure of said banking company; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That Jacob N. Yoder, late treasurer of the village of Columbiana, county of Columbiana and state of Ohio, and the sureties on his official bond as such treasurer, be and the same are hereby relieved from the payment to said village, or either or any of the said officers thereof, whatever part of said sum of \$1,220.43 that shall remain unpaid to the said Jacob N. Yoder from the said receivers of the said banking company upon the settlement of its affairs.

SECTION 2. This act shall take effect and be in force from and after its passage.

JOHN E. GRIFFITH,
Speaker pro tem. of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed March 11, 1898.

34L

[House Bill No., 96.]

AN ACT

For the relief of Henry Staley, treasurer of the board of education, and of the township of Fairfield, in the county of Columbiana and [of the] state of Ohio.

WHEREAS, On the first day of December, 1896, Henry Staley was treasurer of the board of education, and of the township of Fairfield, county of Columbiana and state of Ohio, and as such treasurer had on deposit with the banking firm of J. Esterly and Co., in said village, the sum of five thousand four hundred and twenty eight 97-100 dollars.

WHEREAS, On the first day of December, 1896, J. Esterly, the manager and principal owner of said banking institution of J. Esterly and Co., died, and that said bank was not opened from the death of said J. Esterly until after receivers were appointed to wind up the affairs of said company on the 21st day of December, 1896.

WHEREAS, The receivers of said banking company will not be able to realize on the assets coming into their hands a sufficient amount to pay the liabilities of said banking company in full.

WHEREAS, The said Henry Staley, treasurer aforesaid, was not furnished with a safe in which to keep said funds.

WHEREAS, The said banking institution of J. Esterly and Co. did a large and seemingly prosperous banking business; had on deposit a large amount of money, and enjoyed the confidence of the people in the community in which they did business.

WHEREAS, There is in the treasury of said board of education, and of the township of Fairfield, funds sufficient that it will not be necessary to levy additional tax to carry into effect the provisions of this act.

WHEREAS, Eighty-five per cent. of the electors and ninety-two per cent. of the tax-paying electors of said township of Fairfield, have by their petition expressed a desire to have the said Henry Staley, and the sureties upon his official bond, released from any loss or liabilities growing out of the failure of said banking company; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That Henry Staley, treasurer of the board of education, and of the township of Fairfield, county of Columbiana and state of Ohio, and the sureties on his official bond as such treasurer, be, and the same are hereby relieved from the payment to said board of education, and said township trustees, or either or any of the said officers thereof, whatever part of said sum of \$5,428.97 that shall remain unpaid to the said Henry Staley from the said receivers of the said banking company upon the settlement of its affairs.

SECTION 2. This act shall take effect and be in force from and after its passage.

JOHN E. GRIFFITH,
Speaker pro tem. of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed March 11, 1898.

35L

[House Bill No. 98.]

AN ACT

For the relief of Richard Phillips, treasurer of special school district No. 2, in Unity township, county of Columbiana, and state of Ohio.

WHEREAS, On the first day of December, 1896, Richard Phillips was treasurer of special school district No. 2, Unity township, county of Columbiana and state of Ohio, and as such treasurer had on deposit with the banking firm of J. Esterly and Co., in said village, the sum of eight hundred and sixty-two 12-100 dollars.

WHEREAS, On the first day of December, 1896, J. Esterly, the manager and principal owner of said banking institution of J. Esterly and Co., died, and that said bank was not opened from the death of said J. Esterly until after the receivers were appointed to wind up the affairs of said company on the 21st day of December, 1896.

WHEREAS, The receivers of said banking company will not be able to realize on the assets coming into their hands a sufficient amount to pay the liabilities of said banking company in full.

WHEREAS, The said Richard Phillips, treasurer aforesaid, was not furnished with a safe in which to keep said funds.

WHEREAS, The said banking institution of J. Esterly and Co. did a large and seemingly prosperous banking business; had on deposit a large amount of money, and enjoyed the confidence of the people in the community in which they did business.

WHEREAS, There is in the treasury of said special school district No. 2, funds sufficient that it will not be necessary to levy additional tax to carry into effect the provisions of this act.

WHEREAS, Ninety-two per cent. of the electors and ninety-three per cent. of the tax-paying electors of said special school district No. 2, have by their petition expressed a desire to have the said Richard Phillips, and the sureties upon his official bond, released from any loss or liabilities growing out of the failure of said banking company; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That Richard Phillips, treasurer of special school district No. 2, Unity township, county of Columbiana and state of Ohio, and the sureties on his official bond as such treasurer, be, and the same are hereby relieved from the payment to said special school district No. 2, or either or any of the said officers thereof, whatever part of said sum of \$862.12 that shall remain unpaid to the said Richard Phillips from the said receivers of the said banking company upon the settlement of its affairs.

SECTION 2. This act shall take effect and be in force from and after its passage.

JOHN E. GRIFFITH,
Speaker pro tem. of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed March 11, 1898.

36L

[Senate Bill No. 134.]

AN ACT

To authorize the council of the village of Germantown, Montgomery county, Ohio, to issue bonds and levy a tax for the payment of the same and the interest thereon, for the purpose of providing said village with a system of water-works.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of Germantown, Montgomery county, Ohio, be and it is hereby authorized to issue bonds of said village in a sum not exceeding twenty-five thousand dollars, bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually and redeemable at such times as the council may by ordinance prescribe, and not more than twenty-five years from date, for the purpose of providing said village with a system of water-works.

SECTION 2. Said bonds shall be signed by the mayor and countersigned by the clerk of said village, in denominations not less than one hundred dollars nor more than one thousand dollars, and shall not be sold at less than their face value.

SECTION 3. The funds realized from the sale of said bonds shall be used by the council of said village for the purpose of constructing, paying for and maintaining water-works for said village and the inhabitants thereof.

SECTION 4. That for the purpose of paying said bonds and the interest thereon, as the same become due, the council of said village is hereby authorized to annually levy a tax on all the taxable property of said village, in addition to the amount that is now authorized by law, sufficient to meet the payment of said bonds and the interest thereon, as the same shall become due, which levy shall be placed on the duplicate by the auditor of the county and collected as other taxes, and when collected, paid over to the treasurer of said village. All earnings of said water-works, after deducting current expenses, shall be paid into the sinking fund and used for the liquidation of said indebtedness.

SECTION 5. Provided, that before said bonds are issued, the village council shall submit the proposition of issuing the same to the qualified electors of said village at a general or special election to be held for such purpose, at such time and place in the corporation as the council may determine by resolution. Notice shall be given of the time and place of holding such election in a newspaper of general circulation in said village, and the form of ballot shall be as follows: Those in favor of the construction of water-works and the issuing of said bonds shall have written or printed on their ballots, "Water-works—Yes." Those opposed to the construction of water-works and issuing of said bonds, shall have written or

printed on their ballots, "Water-works—No." Said ballots shall be provided by the council of said village, and the expense therefor and of said election shall be paid by said village. The returns and poll books shall be made by the clerk, who shall return and present the same to the council at the first regular meeting after such election, and the result shall be entered on the minutes of the council, and if it appears that a majority of the ballots cast at such election are in favor of water-works, then the council shall proceed to issue such bonds, and not otherwise.

SECTION 6. This act shall take effect and be in force from and after its passage.

JOHN E. GRIFFITH,
Speaker pro tem. of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed March 11, 1898.

37L

[House Bill No. 291.]

AN ACT

To authorize the council of the incorporated village of Glouster, in Athens county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Glouster, in Athens county, Ohio, be and is hereby authorized to transfer two thousand five hundred and twenty-five dollars and ninety-nine cents from the police fund to the street fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed March 15, 1898.

38L

[House Bill No. 137.]

AN ACT

To create a joint special school district in Jerome township, Union county, Ohio, and Concord township, Delaware county, Ohio, and to provide more satisfactory facilities for the education of pupils in said district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the territory comprised within the following boundaries be and the same is hereby created and declared to be and to constitute a special school district: Beginning at the northeast corner of Jerome township, Union county, Ohio; thence west, with the northern boundary of said township, to the northwest corner of survey number 3005; thence south, with the west line of surveys numbers 3005 and 2991, to a dirt road; thence west, with said road, to the northeast corner [of] Mandis Fry's farm; thence south, with the east line of said Fry's land and the west

line of A. J. Hobert's land, to a gravel road; thence west, with said road, to the corner of H. Rheulen's land; thence south, with the west line of said land, to the southwest corner thereof; thence east, to the west line of L. W. McKittrick's land; thence south, with said line and with the western and southern boundaries of survey number 7187, to J. G. Woerner's west line; thence south, with said line, to Landon Bishop's north line; thence, with the north and west lines of said Bishop's land, to the south line of survey number 6596; thence east, with said line, to the west line of J. Sweeney's land; thence south and east with the boundaries of said land, to the Union and Franklin county line; thence north, with said line to the south line of Delaware county; thence east, along said south line, to the Scioto river; thence north, along said river and the meanderings thereof, to the south line of the girls' industrial home farm; thence west, with the south line of said farm and the lands of A. Lybrand, to the southeast corner of James Jackson's land; thence north, to the northeast corner of said land; thence west with the north line of said land and the lands of Doreta McKittrick, to the Delaware and Union county line; thence north, with said line, to the beginning.

SECTION 2. All the school property situated within said described territory shall belong to and be the property of said joint special district, and said district shall be entitled to receive the proportionate share of all funds levied for incidental and other school expenses in accordance with the last enumeration of children of school age. The board of education of said joint special district may, when in its opinion it will be for the best interest of the pupils in said district, provide for the conveyance of said pupils to and from school; the cost of such conveyance to be paid out of the contingent fund of said district.

SECTION 3. This act shall take effect and be in force from and after its passage; but it is not to affect any of the existing contracts of the board of education of either of said townships pertaining to the schools and school property now existing therein.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed March 15, 1898.

39L

[House Bill No. 234.]

AN ACT

To divide Richland township, Holmes county, Ohio, into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That Richland township, Holmes county, Ohio, be divided into two election precincts, as follows: That sections 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 in range 9, sections 4, 5, 6 and 7 in range 8, and the north half of sections 11, 12, 13, 14 and 15 in range 9, and 14 and 15 in range 8, shall form the north precinct with voting place at Glenmont; and that sections 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 in range 9, sections 16, 17, 24 and 25 in range 8, and the south half of sections 11, 12, 13, 14 and 15 in range 9, and sections 14 and 15 in range 8, shall form the south precinct with voting place at election school-house.

SECTION 2. This act to take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed March 15, 1898.

40L

[House Bill No. 74.]

AN ACT

To authorize [an] additional levy for county fund of Athens county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Athens county, Ohio, be and are hereby authorized to make an additional levy of three (3) mills on all taxable property of said county in addition to the tax now authorized by law, for county fund, for the years 1900, 1901, 1902, 1903 and 1904.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed March 15, 1898.

41L

[House Bill No. 92.]

AN ACT

To authorize the commissioners of Van Wert and Allen counties to improve a certain watercourse.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Van Wert and Allen counties be authorized to remove from the bed or channel of Jennings creek in sections 14 and 22, Spencer township, Allen county, Ohio, the rock obstructing the flow of said creek, so as to drain the land overflowed and damaged by said obstructions and that the county commissioners be jointly authorized to estimate and apportion the expenses of said improvement, according to the advantages accruing in each of said counties, by reason of said improvement, the cost of said improvement to be paid out of the county treasuries as estimated and on warrant of the county commissioners.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed March 15, 1898.

42L

[House Bill No. 505.]

AN ACT

To amend an act passed February 15, 1898, entitled "An act to divide Springfield township, Jefferson county, Ohio, into two election precincts."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1 of an act passed February 15, 1898, entitled "An act to divide Springfield township, Jefferson county, Ohio, into two election precincts," be and the same is hereby amended to read as follows: That Springfield township, Jefferson county, be and the same is hereby divided into two election precincts, by an east and west line along the north lines of sections two, eight and fourteen of township twelve, range four, known as Springfield township. All that portion of said township lying north of said line shall be known as Bergholz precinct, and the voting place be at the settlement of Bergholz; all that portion of said township lying south of said line shall be known as Amsterdam precinct, and the voting place be at the settlement of Amsterdam.

SECTION 2. Said original act is hereby repealed, and this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed March 15, 1898.

43L

[House Bill No. 183.]

AN ACT

To authorize boards of education in city districts of the second grade of the first class to issue bonds, for the purpose of purchasing sites, and erecting and furnishing additional school buildings.

[CLEVELAND.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That boards of education in city districts of the second grade of the first class, be and they are hereby authorized and empowered to issue bonds for an amount not to exceed three hundred thousand dollars, payable at such time and place as said boards of education may determine; provided, that said bonds shall be made payable within ten years and six months after the date of the issue thereof.

SECTION 2. Said bonds shall be issued by said boards; shall contain a citation of the law and resolution authorizing the same; shall be signed by the school director and the auditor of the board, and shall bear interest at a rate not exceeding four per cent. per annum, payable semi-annually.

SECTION 3. The board of education shall advertise and offer the said bonds for public sale, in the manner and form, as provided by an act entitled "An act providing for the sale of public bonds," passed March 22, 1883 (80 O. L., 68). The funds arising from the sale of said bonds shall be used and applied solely to the purchase of sites and the

erection of the necessary buildings thereon, and the furnishing and equipping of said buildings for high school purposes.

SECTION 4. To provide for the redemption of said bonds and the payment of the interest thereon, said boards of education are hereby authorized and required to levy, annually, until said bonds mature, upon the general tax duplicate, of said district, in addition to its levies for all other purposes, a tax, not exceeding one-tenth of a mill on the dollar in each year. In case there be a board of education sinking fund commission in said school district, the proceeds of said tax so levied, together with the proceeds of the sale of any real estate now owned by said boards of education, and which may be sold before said bonds mature, shall be appropriated and paid over by said boards of education, to the board of education sinking fund commission of said district, and the said commission shall use said funds, for the redemption of said bonds and the payment of the interest thereon, and for no other purpose.

SECTION 5. That section 3991b of the Revised Statutes of Ohio as amended April 14, 1892 (89 O. L., 258), and all other statutes inconsistent with any provision of this act, are hereby repealed, so far as the same are inconsistent herewith, and not otherwise.

SECTION 6. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives
THADDEUS E. CROMLEY,
President pro tem. of the Senate

Passed March 15, 1898.

44L

[House Bill No. 578.]

AN ACT

To create a separate voting precinct in Paulding township, Paulding county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That that portion of Paulding township, in Paulding county, Ohio hereafter described, shall be a separate and independent voting precinct in said township, said voting precinct being as follows, to wit: Commencing at the center of section twenty-two (22) of said township running thence west on the half section line to Flat Rock creek, thence in a southwesterly direction along the line of said Flat Rock creek to the west line of said township, thence north on the west line of said township to the northwest corner of said township, thence east on the north line of said township to the point where it intersects the half section line running north and south through section three (3) of said township, thence south to the place of beginning. Said voting precinct to be known and designated as the west precinct of Paulding township.

SECTION 2. Hereafter there shall be elected a separate assessor for said election precinct described in section one of this act.

SECTION 3. This act shall take effect from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives
THADDEUS E. CROMLEY,
President pro tem. of the Senate

Passed March 16, 1898.

45L

[House Bill No. 102.]

AN ACT

To authorize the trustees of Dover township, Cuyahoga county, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Dover township, Cuyahoga county, be and they are hereby authorized to transfer one thousand dollars (\$1,000) from the poor fund to the township fund of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed March 16, 1898.

46L

[House Bill No. 431.]

AN ACT

To authorize the council of the village of Malta, Morgan county, Ohio, to issue bonds for the purpose of improving and repairing the streets of said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village council of the village of Malta, Morgan county, Ohio, is hereby authorized to issue bonds of said village in any sum not exceeding ten thousand dollars (\$10,000), in denominations of not more than five hundred dollars (\$500), bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually, and redeemable at a period not exceeding twenty years. Said bonds shall be signed by the mayor and countersigned by the clerk of said village, and said bonds shall not be sold for less than their par value, and shall be issued in such amounts and be made payable at such place as the council of said village shall provide by ordinance.

SECTION 2. The money arising from sale of such bonds shall be used by the council of said village for the purpose of improving and repairing such streets as they may determine by ordinance within the said village of Malta, Morgan county, Ohio, and for no other purpose whatever.

SECTION 3. Whenever the bonds or any part thereof have been issued, as provided by this act, it shall be the duty of the council of said village, as said bonds may fall due, to levy a tax on all taxable property of said village corporation, sufficient to pay the bonds and interest on same as they may become due.

SECTION 4. Before said bonds shall be issued the council of the said village shall submit the question of such bonds and taxation to the qualified electors of said village, ten days' notice of which shall have been given by posting notice, in writing, in five public places in said village. The election shall be held at the usual place for holding elections in said village, and all electors favoring said proposition shall have written or printed on their ballot, "Issue of bonds for street improvement — Yes," and

those opposed to said proposition shall have written or printed on the ballots, "Issue of bonds for street improvements — No." And should a majority of the electors voting upon said proposition vote "Yes," the said council shall be authorized to issue said bonds, and not otherwise.

SECTION 5. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives
THADDEUS E. CROMLEY,
President pro tem. of the Senate
47L

Passed March 16, 1898.

[House Bill No. 376.]

AN ACT

To authorize the city of Urbana, in Champaign county, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That the city of Urbana, in Champaign county, be and it is hereby authorized to transfer, not to exceed three thousand dollars, from the sewer fund to the bridge fund of said city. Provided, that the question of the transfer of such funds shall be first submitted to a vote of the qualified electors of said city, and a majority of those voting upon such proposition shall be necessary to authorize such transfer.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives
THADDEUS E. CROMLEY,
President pro tem. of the Senate
48L

Passed March 16, 1898.

[Senate Bill No. 145.]

AN ACT

To authorize the trustees of the South Kenton Sunday school association of Kenton county, Ohio, to convey by deed the real estate now held by them to such trustees to the Epworth M. E. church of South Kenton.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That the trustees of the South Kenton Sunday school association of the city of Kenton, county of Hardin, and state of Ohio, be and they are hereby authorized and empowered to sell for such nominal or other consideration as may be deemed just and proper by them, and convey the deed to the Epworth Methodist Episcopal church of Kenton, Ohio, the real estate now held by them as such trustees, together with all the rights and privileges therein, viz.: The east one-third part of in-lots No. 32 and 34, in Thomas Espy's addition to said city of Kenton, Ohio, together with the buildings thereon and all the furniture in said building belonging to said association.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
 THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed March 17, 1898.

49L

[Senate Bill No. 132.]

AN ACT

To provide for the creation of a board of park commissioners, and to prescribe the powers and duties of such board of park commissioners, in cities of the second class, third grade *a*.

[SPRINGFIELD.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in cities of the second class, third grade *a*, there shall be a board of park commissioners, consisting of five (5) members, at least four (4) of whom shall be electors of the city for which they are appointed, and one of whom may be an elector of the township in which such city is situated, although not an elector of such city.

SECTION 2. The members of such board of park commissioners shall be appointed by the board of tax commissioners of such city, within thirty (30) days after the passage of this act, respectively, for terms of one, two, three, four and five years, and thereafter one member shall annually be so appointed for the term of five years, and in case of a vacancy arising from any cause, such vacancy shall be filled by appointment for the unexpired part of such term.

SECTION 3. The members of said board of park commissioners shall serve without compensation, and before entering upon the discharge of their duties shall each take the oath of office prescribed by law, and shall give bond in the sum of twenty-five hundred (\$2,500) dollars, conditioned according to law, and to the approval of the mayor and council of such city.

SECTION 4. Such board of park commissioners shall hold meetings at least once a month, and shall adopt all necessary rules for the regulation of its business; it shall keep a complete record of all its proceedings, which record, or a copy thereof, duly certified by the clerk of said board, shall be competent evidence of the transactions of said board in all the courts of this state; the ayes and nays shall be called upon the passage of every resolution or order; three members of the board shall constitute a quorum for the transaction of all business, but no resolution or order shall be adopted unless three members shall vote in its favor. The city clerk shall act as the clerk of such board of park commissioners, and shall receive no additional salary or compensation for such services.

SECTION 5. Such board of park commissioners shall have the entire management and control of all parks now belonging to any such city, or which may hereafter be acquired and of all the streams within and flowing through any park controlled by such board. Such board of park commissioners shall also have the entire management and control of all improvements of every nature within the park or parks of any such city;

and of all moneys derived from levies made for park purposes and of moneys from the general fund appropriated by the council for such purposes, and of the proceeds of all bonds issued or sold for park purposes, and of all moneys or other property donated to any such city for park purposes; all of which moneys shall be placed in a special fund called "park fund," and shall be disbursed by the treasurer of any such city only upon a warrant of the city clerk, drawn in accordance with the order of such board of park commissioners.

SECTION 6. Such board of park commissioners shall have power to make contracts for the improvements of the grounds, the erection of necessary bridges and structures therein, and to adopt rules for the protection, care and government of the parks under its charge, and such rules, when approved by the council of any such city, shall have the same effect and may be enforced by the same penalties as ordinances of the city.

SECTION 7. Such board of park commissioners shall have no power to incur any liability for park purposes beyond the amount of the funds levied therefor or appropriated to their order by the council for such purposes.

SECTION 8. Such board of park commissioners may employ such superintendents, landscape gardeners and other employes as it may deem necessary for the execution of its duties, and fix their salaries or compensation; and any such persons may be removed by such board at any time.

SECTION 9. Such board of park commissioners shall annually, on the first Monday in April, make a report to the council of their proceedings in respect to parks, with a detailed statement of their receipts and expenditures during the year; and they shall also at the same time submit to the council a detailed estimate of the amount of money necessary to maintain and improve such park or parks for the ensuing year.

SECTION 10. Any and all other acts and all sections and portions thereof of the Revised Statutes of Ohio in so far as the same conflict with or are inconsistent with any of the provisions of this act, are hereby repealed.

SECTION 11. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,

Speaker of the House of Representatives

ASAHIEL W. JONES,

President of the Senate

50L

Passed March 17, 1898.

[Senate Bill No. 22.]

AN ACT

Conferring additional jurisdiction on the courts of insolvency in any county containing a city of the second grade of the first class.

[CUYAHOGA COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That in every county containing any city of the second grade of the first class wherein a court of insolvency is established, said court shall have original jurisdiction of appeals from the decisions of justices of the peace.

including error thereto, and also certification of proceedings by said justices of the peace in all civil cases, as fully and completely in every respect as is now possessed by the court of common pleas; provided that litigants shall have as heretofore the same right of appeal and error from the court of insolvency to the circuit court as is allowed now by appeal and error proceedings in similar cases from the common pleas to the circuit court. And any judge of the court of common pleas of the county wherein such court of insolvency is established, is hereby authorized to transfer to the court of insolvency any of the actions and proceedings aforesaid, now or hereafter pending in said common pleas court; the same to be there proceeded in as if the same had been originally commenced in said court of insolvency, having regard to the former proceedings therein, and the costs before accrued in the final record as may be right and proper. And when any cause is transferred from the court of common pleas as aforesaid, the clerk of the common pleas court shall enter such transfer on his docket, and from thenceforth the said cause shall not be considered in said court. And all laws now in force, or that may be hereafter enacted, regulating the mode and manner of proceeding in such cases by the common pleas court, shall be held and deemed to extend to the court of insolvency.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.
51L

Passed March 17, 1898.

[Senate Bill No. 270.]

AN ACT

To authorize and require the commissioners of Lucas county, Ohio, to build a jail and residence in the same for the sheriff of said county; to levy taxes to pay for the same; and to dispose of the present jail after said new jail is ready for occupancy.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Lucas county, Ohio, be and they are hereby authorized and required to construct a jail, including apartments therein, to be used by the sheriff or jailor of said county as a residence, at the county seat of said county, to wit: at the city of Toledo, Ohio. The plan for said jail shall be determined upon by said county commissioners, who shall advertise the contract for the building of the same in two democratic and two republican newspapers, of daily circulation located in said county, according to law, and shall let the same to the lowest responsible bidder according to law, which contract shall require the building aforesaid to be completed as soon as practicable, at a cost for said building not to exceed one hundred thousand dollars (\$100,000).

SECTION 2. That the said county commissioners referred to in section 1 of this act, shall have no power to make an extra allowance to any contractor for the building of said jail and sheriff's residence, or any part thereof; nor shall any change or alteration be made which shall

affect the contract, unless the difference in the costs of said alteration or change, be first agreed upon by the said county commissioners and the contractor affected by said change or alteration, and no change or alteration shall be made which will increase the cost of said jail building and sheriff's residence over the sum of one hundred thousand dollars (\$100,000).

SECTION 3. That the said county commissioners of Lucas county, Ohio, for the purpose of building said jail and sheriff's residence referred to in section 1 of this act, be and are hereby authorized to levy a tax at their June session for the years 1898 and 1899, on all the taxable property within said county, not exceeding one (1) mill on the dollar for each year, in addition to all other levies authorized by law, the same to be collected as other taxes, for the purpose of paying for said jail and sheriff's residence.

SECTION 4. That after said jail and sheriff's residence referred to in section 1 of this act, shall have been completed and ready for occupancy, said county commissioners of Lucas county, Ohio, be and are hereby authorized and directed to remove the present jail and sheriff's residence of said county, and to dispose of the material composing the same, in such a way as to be most advantageous to said county, and all funds and moneys realized from the disposition of such material shall be used in paying for said jail and sheriff's residence referred to in section 1 of this act.

SECTION 5. That all funds and moneys realized from the levy referred to in section 3 of this act, and from the sale of material referred to in section 4 of this act, which are not needed to pay for the construction of said jail and sheriff's residence referred to in section 1 of this act, shall, after said jail and sheriff's residence is paid for, be transferred and accreted to the general fund of said Lucas county, Ohio, to be there appropriated and used according to law.

SECTION 6. That before any of the provisions recited in sections 1, 2, 3, 4 and 5 of this act shall become lawful, the said county commissioners of Lucas county, Ohio, shall submit the proposition of building said jail and sheriff's residence to the qualified electors of said Lucas county, Ohio, at the spring elections to be held on the first Monday in April, A. D. 1898. Said proposition shall be voted upon at the usual places of holding elections in said county, and notice thereof shall be given by the posting of notices for at least ten days prior to the holding of said elections, in all the places where the notices of said elections are required by law to be posted. All those in favor of the building of said jail and sheriff's residence, the appropriating of said moneys, and the removal of said present jail as recited in sections 1, 2, 3, 4 and 5 of this act, shall have written or printed on their ballots, "The building of a new jail — Yes." All those opposed to said proposition as recited in sections 1, 2, 3, 4 and 5 of this act, shall have written or printed on their ballots, "The building of a new jail — No." Said ballots shall be provided by the board of elections of said county of Lucas, and the expense thereof shall be paid by said board of elections out of the funds provided for the payment of the election expenses in said Lucas county, Ohio. The vote upon said propositions shall be canvassed, and the returns made to said board of elections by the regularly authorized election officers of the various voting places, and the result thereof shall be entered upon the record

kept by said board of elections of Lucas county. And if it appears that a majority of those voting upon said propositions are in favor of the same, then the said county commissioners of Lucas county shall carry out the purposes and provisions of this act. But if it appears that a majority of those voting upon said propositions are not in favor of the same, then the provisions contained in sections 1, 2, 3, 4 and 5 of this act shall be considered void and of no force or effect.

SECTION 7. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed March 17, 1898.

52L

[Senate Bill No. 119.]

AN ACT

To repeal an act passed April 27, 1896 (O. L. 92, page 664), entitled "An act for the creation of a special school district out of the territory of subdistrict No. 2 of Roundhead township, Hardin county, Ohio."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That an act passed April 27, 1896 (O. L., vol. 92, page 664), entitled "An act for the creation of a special school district out of the territory of subdistrict No. 2 of Roundhead township, Hardin county, Ohio," be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed March 17, 1898.

53L

[Senate Bill No. 124.]

AN ACT

To authorize the board of education of Roundhead township, Hardin county, Ohio, to borrow money for the purpose of purchasing the necessary real estate and constructing and equipping a school-house in subdistrict No. 2, in said township, for a township high school, and to issue bonds therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That the board of education of Roundhead township, Hardin county, Ohio, be and the same is hereby authorized and empowered to issue bonds not exceeding \$6,000 in amount, for the purpose of purchasing a site for the erection thereon of a township high school building in subdistrict No. 2, of said township; said bonds to be issued at such times and in such sums, and payable at such times, not exceeding eight years, as said board of education may by resolution determine. Said bonds

shall be signed by the president of said board of education and countersigned by the clerk thereof, and shall bear interest at a rate not exceeding six per cent., payable semi-annually. Said bonds, when issued, shall not be sold at less than their par value. The proceeds of said bonds shall be paid into the treasury of the board of education to be used as needed for the purchase of said school site and the erection of a school-house thereon, and the proper furnishings of the same. The clerk of said board of education shall keep a record of the number, date, amount, rate of interest, time when payable, sum for which and person to whom sold, which record shall be open to the public at all reasonable times.

SECTION 2. That to provide for the payment of said bonds and the interest thereon the board of education of said township of Roundhead, county of Hardin, is hereby authorized and required annually to levy a tax on all taxable property in said township, not exceeding three mills per annum on the dollar valuation. Which levy may, if in the opinion of said board it become necessary, be in addition to that now authorized by law to be levied by said board. The proceeds of said levy to be used in the payment of said bonds and the interest thereon as it may fall due.

SECTION 3. That the said school building, when completed, shall be managed and controlled by said board of education, and the tuition shall be free to all resident pupils of school age in said township, subject to such rules and regulations as the said board of education shall prescribe.

SECTION 4. Provided, that before the purchasing of a site and the contracting for the erection of such high school building and the issuing of the bonds aforesaid, the said board of education of Roundhead township, Hardin county, Ohio, shall submit the proposition of issuing said bonds to the qualified electors of said township at a general or special election to be held in said township in the year 1898. Said election shall be held at the usual place of holding elections in said township, and notice thereof shall be given by the posting of notices in at least ten public places within said township for at least ten days prior to the holding of said election. Those in favor of the issuing of said bonds and the levying of the additional tax, as herein provided, shall have written or printed on their ballots, "The issuing of bonds for purchasing site and erecting high school building — Yes." Those opposed to the purchasing of the site, and the issuing of said bonds, and the levying of such additional tax, shall have written or printed on their ballots, "The issuing of bonds for purchasing site and erecting high school building — No." Said ballots shall be provided by the board of education of said township, and the expense thereof shall be paid by said board of education. The returns and poll-books shall be made to the clerk of the board of education, who shall present the same to said board at a meeting to be held at the next regular meeting of said board of education, and the result of such election shall be entered upon the record kept by said clerk. And if it appear that a majority of the ballots cast at such election are in favor of the purchasing of such site and the erection of a high school building thereon, and the issuing of bonds and the levying of an additional tax as aforesaid, then the said board of education shall carry out the purposes and provisions of this act.

SECTION 5. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed March 17, 1898.

54L

[Senate Bill No. 137.]

AN ACT

For the relief of Mathias M. Ridenour, treasurer of Latty township, Paulding county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there shall be submitted to the electors of Latty township, in the county of Paulding and state of Ohio, at the next general election to be holden therein the proposition to relieve Mathias M. Ridenour and the sureties of his official bond as such treasurer from the payment to the said township, or either or any of the officers thereof, the sum of three hundred and ninety-one dollars (\$391.00), the amount of money which was stolen from the township safe of said township on the first day of September, A. D. 1897, and no part of which has been recovered by the said treasurer, Mathias M. Ridenour.

SECTION 2. The ballots to be voted at such election upon said proposition shall have written or printed thereon, "For relief — Yes," or "For relief — No," and if a majority of all the votes cast upon said proposition at said election shall be in favor of the relief of the said treasurer and his said bondsmen, then the said Mathias M. Ridenour as treasurer as aforesaid and the securities on his said official bond as treasurer of said township shall be forever wholly relieved and released from the payment to said township or the officers thereof, any part of the said sum of three hundred and ninety-one (\$391) dollars.

SECTION 3. If for any reason the said proposition shall not be submitted to the said electors at the first general election to be holden in said township after the passage of this act, then the same shall be submitted to such electors at the next succeeding general election thereafter held in said township.

SECTION 4. The deputy state supervisors of elections of the said county of Paulding shall cause notice of the submission of said proposition to the electors of said township to be given by publication in two newspapers of opposite politics which have a general circulation in said township, at least ten days prior to the date upon which such election is to be held, the cost of said publication shall be paid by the said Mathias M. Ridenour.

SECTION 5. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed March 17, 1898.

55L

[Senate Bill No. 122.]

AN ACT

To authorize the township trustees of Union township, Ross county, Ohio, to levy a tax on the taxable property of the North precinct of said Union township, for cemetery purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That the township trustees of Union township, Ross county, Ohio, are hereby authorized to levy, annually, upon the taxable property of the North precinct of said Union township, the sum of fifty dollars. Said money to be collected by the county treasurer of Ross county, Ohio, the same as other taxes, and when so collected shall be paid over to the treasurer of the board of cemetery trustees by said county treasurer upon the warrant of the county auditor, [of Spring Bank cemetery,] said cemetery being located in said North precinct of Union township, Ross county, Ohio.

SECTION 2. The funds arising from said annual levy to be expended by said cemetery trustees, in the proper care and maintenance of said Spring Bank cemetery, and said board of cemetery trustees shall annually, on the first Monday of March in each year, render to the trustees of said Union township, Ross county, Ohio, an itemized account of the expenditure of all moneys coming into their hands under the provisions of this act, to whom paid and what for.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,

Speaker of the House of Representatives.

ASAHIEL W. JONES,

President of the Senate.

Passed March 17, 1898.

56L

[Senate Bill No. 238.]

AN ACT

To create Jefferson township, Crawford county, Ohio, into a special road district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That the township of Jefferson, situated in the county of Crawford, be and the same is hereby constituted and made into a separate and independent road district, for the purpose of macademizing, working, repairing and improving the roads and highways in said township as herein set forth and independent of and free from the operation of existing laws relating to the improvement of roads and highways and of all other laws not consistent or in harmony with the provisions of this act.

SECTION 2. After the passage of this act, one supervisor shall be elected for each and every road district, whose duty it shall be to do the general work as heretofore; under this act the office of road commissioner shall be created, the said commissioner shall be a resident taxpayer of the township whose duty it shall be to do or oversee all work ordered by the trustees, such as improving the roads, grading and improving

with stone and gravel and so forth. The township trustees shall appoint one resident taxpayer of each road district in the township, and they together with the trustees shall constitute a board to make said appointment, and said board shall make such appointment without compensation, and no person who makes application therefor to said board shall be so appointed, and such appointment shall be for the term of one year, subject to removal by the board so constituted for negligence of duty, and he shall take an oath of office and shall give bond to the satisfaction of the township trustees. Said road commissioner shall be allowed and paid out of the general fund of the township or out of the road fund on the allowance and approval of the township trustees one dollar and fifty cents per day for each full day of ten hours actually and necessarily devoted to the performance of his official duties as herein set forth, and the amount due for such services shall be settled and paid at least once every three months, and the said road commissioner shall in presenting a claim for services, make a full itemized statement of such services and the trustees shall allow only such thereof as is just and right.

SECTION 3. That the taxpayers of each road district may determine by a petition or otherwise, the place of beginning of said improvements, in the absence of such determination, or in case of a tie vote, the trustees shall determine said place of beginning.

SECTION 4. That for the purpose of making said improvements, as herein authorized, the township trustees are authorized to levy and assess annually a tax not to exceed three mills on the dollar on all taxable property in said township, including the tax for roads now authorized by law, to be made and certified, the same as other township levies, and the tax shall be collected and paid over the same as other taxes, and all road taxes shall be payable in money, except as herein provided, and when collected and received shall constitute the township road fund, and shall be used wholly in making the improvements as herein authorized, and for no other purpose, provided two mills of said road tax may be paid in labor, to be performed at such place or places and time, as the trustees may direct from time to time, in constructing said roads or in making said improvements, and to be done under the direction and control of said road commissioner, and for that purpose his certificate to the extent of the labor actually performed and not to exceed the amount of the tax that might be lawfully paid in labor, shall have the same force and effect as the certificate of road supervisors in other cases.

SECTION 5. That the trustees shall have authority by this act to formulate a schedule of rates for hauling the material.

SECTION 6. If any taxpayer performs, or causes to be performed, more labor in any one year than the levy calls for that he may lawfully perform in labor, the road commissioner shall give such taxpayer credit in a book kept for that purpose by the road commissioner, and a voucher bearing the amount of such overwork, and said taxpayer may present such voucher in subsequent years to the road commissioner, and receive a certificate to present to the county treasurer in lieu of such levy as may be lawfully performed in labor, but the said vouchers or accounts shall in no case become interest-bearing, and the said trustees or road commissioner shall have no power whatever to create an interest-bearing debt on said township.

SECTION 7. For the purpose of making said improvements the township trustees shall have power to purchase such necessary implements, machinery, appliances and stone or gravel, and to let contracts for grading whenever, in the estimation of the trustees, it would be expedient and proper, said contracts to be advertised and let the same as other township work. The roads shall be well provided with the necessary side drainings, waterways and under-drains to prevent overflowing or washing of water; and the commissioners of the county shall, upon the application of the township trustees, cause the necessary bridges and culverts on said road to be constructed or reconstructed in a substantial manner so as to conform to the grades of the improved road.

SECTION 8. Before the said act shall become operative, it shall first be submitted to a vote of the qualified electors of said Jefferson township, Crawford county, Ohio, and if said act be ratified and affirmed by a majority of all the votes cast for or against said proposition, at any general election to be called by the trustees for that purpose, and in either case by giving notice thereof, in writing, for ten days, and said notices shall be placed in ten conspicuous places in said township. The election shall be held at the usual places of holding the elections in said township, and all the electors favoring said proposition shall have written or printed on their ballots, "Levy of tax for road improvement — Yes," and those opposed to said proposition shall have written or printed on their ballots, "Levy of tax for road improvements — No." And should a majority of the electors voting upon said proposition vote "yes," then said board of trustees shall be authorized to levy tax as provided in this act and not otherwise.

SECTION 9. This act shall take effect on its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed March 18, 1898.

57L

[House Bill No. 579.]

AN ACT

To authorize the township of Grand Rapids, in Wood county, Ohio, and the village of Grand Rapids, in said township, to jointly erect, own and occupy a town hall, to be located in said village, and to repeal a certain act therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township of Grand Rapids in Wood county, Ohio, and the village of Grand Rapids in said township be and they are authorized to purchase a site in said village and erect thereon a town hall for the joint use of the inhabitants of said township and village. The cost of said site and building shall not exceed the sum of five thousand dollars (\$5,000), and shall be borne equally by said township and village.

SECTION 2. Before any expense shall be incurred for such site and building the question of the erection of such hall shall be submitted

to the electors of said township and of said village by the trustees of the township and the council of the village jointly at a general or special election. If a majority of the votes cast at such election shall be in favor of erecting such hall, then the board of trustees of the township and the council of the village shall issue and sell bonds of the township and of the village respectively for an amount sufficient to raise its share of the expense of such site, building and furnishing. The bonds shall bear interest not to exceed six (6) per centum, payable semi-annually, and shall mature at such times as the trustees and council shall respectively prescribe by resolution; and said bonds shall not be sold for less than their par value. And the trustees of said township and the council of said village are hereby authorized to use in payment of their respective shares of the expense of said site and building whatever funds have already been collected for the purpose of providing a town hall in said township, under an act passed for that purpose, on January 17, 1893. And the said trustees and said council are respectively authorized and empowered to levy a tax upon all the taxable property within their respective jurisdictions in addition to the taxes now authorized by law, to such an amount as shall be necessary to meet the interest and principal of such bonds.

SECTION 3. If the election aforesaid shall result in favor of the erection of such hall, the justices of the peace of said township shall, in conjunction with a third person, to be chosen by them, select and appoint three (3) judicious electors of said township and village, to be known as a building committee, who shall have authority to select and purchase a site, procure and approve plans for, and contract for and superintend the erection of said building thereof.

SECTION 4. During the erection of said building the said committee may authorize and permit, and after the erection thereof the township trustees or the village council may authorize and permit any persons or organization to place upon the walls of said building, at such places as said authorities may designate, suitable tablets with appropriate inscriptions thereon to the memory of deceased soldiers and sailors of the United States.

SECTION 5. The title to such site and building shall be taken to and held by the mayor of said village, and his successors in office, in trust for the said township and said village as tenants in common thereof. The expense of insurance, repairs and proper maintenance of the premises shall be borne equally by said township and village, and any income from the use of said premises, by way of rent or otherwise, shall be equally divided between said township and village. Immediately after the completion of said building ready for occupancy, the trustees of said township and the council of said village shall meet in joint session in said village and shall by ballot choose three judicious persons, electors of said township and village, to serve as a board of control of said premises under such rules and regulations as the trustees of the township and council of the village may jointly agree upon; at the first election the members of said board of control shall be selected respectively for one, two and three years, and annually thereafter a member shall be chosen in the same manner to serve for three years.

SECTION 6. The aforesaid act passed January 17, 1893, is hereby repealed.

SECTION 7. This act shall take effect from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed March 21, 1898.

58L

[House Bill No. 298.]

AN ACT

To create Tymochtee township, Wyandot county, Ohio, into a special road district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township of Tymochtee situate in the county of Wyandot, be and the same is hereby constituted and made a separate and independent road district for the purpose of macadamizing, repairing and improving the roads and highways in said township, as herein set forth, independent of, and free from the operation of existing laws relating to the improvement of roads and highways, and all other laws not consistent or in harmony with the provisions of this act.

SECTION 2. After the passage of this act, road supervisors for the districts into which the said township has heretofore been divided shall not be elected or appointed.

SECTION 3. At the first April election after the passage of this act, and each year thereafter, there shall be elected in said township, an officer to be known as road commissioner of said township, who shall hold his office for the period of one year, and until his successor is elected and qualified; and the township trustees shall have power to fill any vacancies in such office for the unexpired term that may occur, and such road commissioner, whether elected or appointed, shall take an oath of office and give bond for the sum of fifteen hundred dollars with at least two sureties approved by the said trustees, conditioned for the honest and faithful discharge of all duties that may pertain to such office, and be under the control and directions of the township trustees in all duties connected with his office. Said road commissioner shall be allowed and paid out of the general fund of the township, or out of the road fund, one dollar and fifty cents per day for each full day of ten hours actually and necessarily devoted to the performance of his official duties as herein set forth, and the amount due for such service shall be allowed and paid at least once every three months upon the road commissioner presenting a claim and making a full itemized statement of such services, which the trustees shall allow if just and right.

SECTION 4. After the passage and adoption of this act, the trustees of said township shall cause to be made a plat of the principal roads of said township, and shall designate the roads and parts of roads to be macadamized, showing places of beginning, and shall yearly thereafter decide how much work shall be done on each road, and from time to time, as the work on specified roads shall be completed, add other roads thereto, until all the roads of the township shall be improved. The trustees shall also prepare specifications for the work, cause the hills to be graded by letting contracts for same, and shall have power to purchase necessary

implements and appliances, and make contracts for material to be furnished for a term and not exceeding five years, and for all services rendered under this act shall receive such compensation out of the general fund or road fund as is allowed for similar work under existing laws.

SECTION 5. The said road commissioner is hereby authorized, under the instruction of the trustees, to improve and cause to be improved, the roads of said township that are designated by the trustees, by causing them to be macadamized as may be necessary or proper, to construct a district side of and parallel thereto, except in such places where the expense of constructing such dirt road would be unreasonable, to cause all the roads of the township to be worked, scraped and leveled as may be necessary and proper, and perform such other road work as the trustees may order. The said road commissioner shall have the same power to enforce the two-day road work as is conferred by law upon road supervisors.

SECTION 6. For the purpose of making the improvement herein authorized, the trustees are authorized to levy a tax not to exceed three mills on the dollar of all taxable property in said township, to be made and certified the same as other township levies, and shall not make any levy to be paid in labor under existing laws, and the tax shall be collected and paid over the same as other taxes and all road taxes shall be paid in money, except as hereinafter provided, and when collected and received, shall constitute a township road improvement fund, and shall be used for the purpose of making road improvements and for no other purpose; provided, two mills of said road tax levied may be paid in labor to be performed at such times and places as the road commissioner may order, and his certificate to the extent of the labor actually performed, and not to exceed the part of tax that might be lawfully paid in labor, shall have the same force and effect as the certificate of road supervisor in other cases. Laborers shall not be credited more for their labor than one dollar and fifty cents per day of ten hours' actual work, as for teams more than the amount that they can earn in hauling material at twenty cents per cubic yard for the first half mile, and five cents per cubic yard for each additional one-half mile.

SECTION 7. If any taxpayer, by order of the road commissioner, performs or causes to be performed, more labor in any one year than he may lawfully perform in labor, the road commissioner shall give such taxpayer credit in a book kept for that purpose, and a voucher showing the amount of such overwork, and such taxpayer may present such voucher to the road commissioner in subsequent years, and receive a certificate to present to the county treasurer in lieu of such part of taxes as may be lawfully performed in labor, but such voucher shall in no case bear interest, nor shall the road commissioner or trustees under this act have any power whatsoever to create an interest-bearing debt on said township, the road commissioner shall keep a record of his transaction and report the same to the township trustees when called upon so to do, and in any event must make a full report to them at the time of the annual settlement.

SECTION 8. Before this act shall become effective, it shall be submitted to the qualified voters of said township at a general election to be held in said township, or at a special election to be called by the trustees for that purpose. In either case, notice shall be given in writing for ten days, and said notice shall be posted in ten conspicuous places

in said township. The election shall be held at the usual place for holding elections in said township, and all electors favoring said proposition shall have written or printed on their ballot, "Levy of tax for road improvements — Yes." And those opposed to said proposition shall have written or printed on their ballot, "Levy of tax for road improvements — No." And should a majority of the electors voting upon said proposition vote "yes," then this act shall be considered ratified and take effect, and not otherwise.

SECTION 9. This act shall take effect from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed March 21, 1898.

59L

[House Bill No. 83.]

AN ACT

To provide for an official stenographer for the county of Gallia.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That the judges of the court of common pleas of the third subdivision of the seventh judicial district of Ohio, shall within thirty days from the passage of this act, and every third year thereafter, appoint for the county of Gallia an official stenographer. Said stenographer shall be furnished the necessary stationery for the performance of official duties by the county commissioners of said county. Said stenographer shall not, during the term of his or her said office, be the partner, clerk, student or regular employe of any attorney residing or practicing in said county.

SECTION 2. Said stenographer shall hold his or her office for the term of three years from and after the date of his or her appointment and until his or her successor shall be appointed and qualified, unless sooner removed by the court for the neglect of duty, misconduct or incompetency. Such official stenographer shall, before entering upon the duties of said office, take an oath of office for the faithful performance of the duties thereof. Such stenographer shall receive a salary of three hundred dollars (\$300) per annum, payable quarterly out of the county treasury of said county, which salary shall be in lieu of all per diem fees in the circuit and common pleas courts of said county; and it shall be the duty of the auditor of said county to issue warrants on the treasurer for the payment of said salary, as herein provided, out of the general fund, upon presentation to him of a certified copy of the journal entry of the appointment of said official stenographer.

SECTION 3. It shall be the duty of such stenographer, unless waived by the parties, to make, or cause to be made, accurate stenographic notes of the testimony of the witnesses, the charge of the court to the jury, all opinions rendered, and all such other oral proceedings as the court or the parties may direct in all cases actually tried or heard in the circuit and common pleas courts; and the shorthand notes so taken shall be the property of the county, and shall be preserved in the office of the clerk thereof; provided, that if sessions of the common pleas are

circuit courts in said district are holden on the same days, said stenographer shall give preference to the common pleas court, unless excused by the judge thereof. It shall also be the duty of such stenographer to make, or cause to be made, at the request of either party, his attorneys or the court, an accurate transcript into longhand of the notes so taken in any case, or such portion thereof as may be requested, to be paid for forthwith by the party or parties ordering the same, and the cost of said transcript, if used on appeal or error, to be taxed in the cost and adjudged as the court may direct; but no transcript of the notes into longhand shall be paid for out of the county treasury in any case, unless such transcript shall be ordered by the judge or judges trying the case for his or their own use, and in criminal cases by the prosecuting attorney. All such transcripts ordered by the judge or judges trying the case, and by the prosecuting attorney in criminal cases, shall be paid for out of the county treasury, and the clerk of the court shall certify the amount of such transcripts, which certificate shall be a sufficient voucher to the auditor of the county, upon which he shall draw his warrant upon the county treasurer, and when so paid such fees shall be taxed and collected as other costs in the case. Such stenographer shall also, without extra charge or compensation, take from the dictation of the court such shorthand notes as may be required in preparing opinions and charges to juries.

SECTION 4. Said stenographer shall receive for making such transcripts of said notes into longhand, in addition to said salary, six cents per folio of one hundred words, and when more than one transcript shall be ordered at the same time, the fee for making such additional transcript or such portion thereof, shall be one-third the fee allowed for the first copy, and shall be paid for in the same manner. And in every case reported in said courts, there shall be taxed for each day's services of such stenographer, a fee of four dollars, to be collected as other costs in the case, and when so collected, to be by the clerk of the court paid quarterly into the treasury of the county where earned.

SECTION 5. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed March 21, 1898.

60L

[Senate Bill No. 255.]

AN ACT

To divide Washington township, Franklin county, Ohio, into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That Washington township, Franklin county, be and the same is hereby divided into two election precincts, by a line commencing at the southeast corner of Union county at the intersection of the Post road; thence east in the center of said road to the intersection of the first county road; thence south to the Wolpert and Ring free pike; thence east on Jacob Mock's north line and the north line of George C. Wirtz to a point oppo-

site the line between said Wirtz and C. Leppert; thence south to said line and on said line to John Robinson's north line; thence east to his east line; thence south to the Washington and Norwich free pike; thence continuing on the line between Thomas Temple and Michael Datz and the projection thereof to the south line of the township on the Hayden road free pike. All that portion of said township lying east and north of said line shall be known as Dublin precinct, and the voting place be at the village of Dublin; all that portion of said township lying west and south of said line shall be known as Amlin precinct, and the voting place be at the settlement of Amlin; provided, there shall be but one assessor elected in said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives
THADDEUS E. CROMLEY,
President pro tem. of the Senate

Passed March 22, 1898.

61L

[House Bill No. 326.]

AN ACT

To create and establish a joint special school district in Ottawa township and Pleasant township, Putnam county, Ohio, and for other purposes therein mentioned.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That there be and is hereby created and established in Ottawa township and Pleasant township, Putnam county, Ohio, a special school district composed of the following territory, to wit: The whole of sections thirty-one (31) and thirty-two (32) and the southwest quarter, and the west half of the southeast quarter of section thirty-three (33), and the south half of section thirty (30) and the southwest quarter, and the west half of the southeast quarter, and the south half of the southeast quarter of the southeast quarter of section twenty-nine (29), town one, north range seven (7) east, Ottawa township, Putnam county, Ohio, and all of section six (6) and the north half of section five (5) and all that part of the west half of the southwest quarter of section five (5) that lies north of the Ottawa Indian reservation line, and the west half of the northwest quarter of section four (4), town one (1), south of range seven (7) east, Pleasant township, Putnam county, Ohio. Said territory so created and established to be known as "Ottawa and Pleasant township joint special school district."

SECTION 2. That within twenty (20) days after the passage of this act, there shall be held an election for three (3) members of the board of education of said district, as provided by section 3924 of the Revised Statutes of Ohio.

SECTION 3. That after the passage of this act and the election, qualification and organization of the board of education herein provided for, the auditor of Putnam county, Ohio, shall apportion and issue his warrant to the treasurer of said board of education for its proportion of the taxes assessed for the tax year 1897, upon the real and personal property

in said territory for common school purposes, not previously paid out of the county treasury. Said apportionment to be based upon the levies as made for common school purposes upon the real and personal property valuations of said territory, and upon the last enumeration therein, for any and all taxes due said territory from the state of Ohio, and when such apportionment is so made, and such warrant aforesaid is issued, the county treasurer of Putnam county, Ohio, shall pay the same.

SECTION 4. That for the purpose of constructing, building and furnishing a school-house therein, said board is hereby authorized upon a vote of the majority of the electors of said special district, to issue the bonds of said district, with interest coupons thereto attached, in the sum of one thousand (\$1,000) dollars. Said bonds to be issued in denominations of one hundred dollars each, and to run not to exceed ten (10) years from the date of their issue, and to bear interest at the rate of not to exceed six (6) per cent. per annum, payable semi-annually, and when so issued, they shall be signed by the president of said board and attested by the clerk thereof, and the same shall not be sold for an amount less than par, and accrued interest, and for the purpose of meeting the payment of the principal and interest of said bonds when so issued and sold, said board is hereby authorized to make such additional levy as may be necessary other than is or may hereafter be provided by law.

SECTION 5. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed March 22, 1898.

62L

[Senate Bill No. 41.]

AN ACT

To provide for leave of absence for officers and members of the fire department in cities of the first grade of the first class.

[CINCINNATI.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That in cities of the first grade of the first class all officers and members of the fire department shall be alternately relieved from duty for the space of twenty-four hours once in every eight days, without loss of pay; and shall be further allowed a leave of absence for twelve consecutive days in each year without loss of pay, under such rules and regulations and subject to such restrictions as the board of fire trustees may find necessary at all times to maintain the efficiency of the department.

SECTION 2. That to provide a fund to meet any deficiency in the appropriation for the fire department which may be caused in any city by the passage of this act, upon the filing of a certificate by the board of fire trustees setting forth the amount of such deficiency the board of administration or its successors shall recommend to the board of legislation and the board of legislation shall appropriate from the contingent

fund of such city, such sum not exceeding ten thousand (\$10,000) dollars in any one year, as may be necessary to supply such deficiency.

SECTION 3. That all acts or parts of acts inconsistent herewith be and the same are hereby repealed so far as the same are applicable to the cities of the first grade of the first class.

SECTION 4. That this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives
THADDEUS E. CROMLEY,
President pro tem. of the Senate
63L

Passed March 22, 1898.

[Senate Bill No. 187.]

AN ACT

To change the legal residence of Charles P. Wenzlau, an insane person, from Mercer county, Ohio, to Miami county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That the legal residence of Charles P. Wenzlau, an insane person who was, at the time of becoming insane, a resident of Mercer county, Ohio, be and the same is hereby changed to Miami county, Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives
THADDEUS E. CROMLEY,
President pro tem. of the Senate
64L

Passed March 22, 1898.

[House Bill No. 314.]

AN ACT

To authorize the improvement of certain levees.

[DAYTON AND MONTGOMERY COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That the board of city affairs of any city of the second grade of the second class, and the board of county commissioners in any county containing a city of the second grade of the second class, are hereby authorized to strengthen, heighten and enlarge any existing levee in such county along a stream and outside of such city, which was built and designed to protect from the overflow and freshets of such stream, territory lying inside of such city, and territory in such county lying outside of such city, and which, in the opinion of said boards, is inadequate for that purpose.

SECTION 2. That the strengthening, heightening and enlarging of any such levee shall be done under the supervision of such board of city affairs, and it shall not be necessary to advertise for bids therefor. The

cost thereof shall be borne jointly by such city and county, in the following proportion, to wit: Two-fifths thereof shall be paid by such county, and three-fifths thereof shall be paid by such city, but the entire cost aforesaid shall not exceed one thousand (\$1,000) dollars. Said board of county commissioners are hereby authorized to appropriate and pay the county's proportion of such cost from any unappropriated money in the county treasury which is available for that purpose, and such board of city affairs is authorized to appropriate and pay the city's proportion of such cost from any money in the treasury of such city available for that purpose.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed March 22, 1898.

65L

[House Bill No. 302.]

AN ACT

To amend section 10 of an act entitled "An act to amend an act entitled 'An act to authorize the commissioners of Guernsey county to construct free turnpike roads,' passed March 21, 1887, and to supplement the same," passed March 17, 1893, as amended April 10, 1894 (91 O. L., p. 612).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 10 of an act entitled "An act to authorize the commissioners of Guernsey county to construct free turnpike roads," passed March 21, 1887, and to supplement the same, be amended so as to read as follows:

Sec. 10. And such counties, with population as aforesaid, shall be, and are hereby, created a special road district for the purpose of opening, improving, changing or altering and repairing all public highways which are laid out and established therein, and each township excepting cities and incorporated villages therein in any such county, with population as aforesaid, is hereby created a sub-special road district. The electors of each sub-special road district shall, on the first Monday of April of each year, elect at least two nor more than four supervisors for each sub-special road district, who shall have all the rights, perform all the duties and be subject to all the liabilities provided for by chapter V, title 7 of the Revised Statutes. The trustees of each township in which there is a sub-special road district are hereby empowered to increase or diminish the number of its supervisors, but said number shall not be more than four nor less than two. Such sub-special road district supervisors so elected shall receive two (\$2.00) dollars per day for every day's service in the performance of their duties as such supervisors of roads, and shall give bonds payable to the township trustees for the benefit of the state of Ohio in the sum of five hundred (\$500) dollars, conditioned for the faithful performance of their duties. And in the counties enumerated in this act the office of road supervisor is abolished and the trustees shall include in their notice of election for township officers the office of sub-special road district supervisor.

SECTION 2. Said section 10, passed March 17, 1893, and amended April 10, 1894, entitled as aforesaid, be and the same is hereby repealed and this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives
THADDEUS E. CROMLEY,
President pro tem. of the Senate

Passed March 23, 1898.

66L

[House Bill No. 570.]

AN ACT

To authorize the council of the incorporated village of Bellville, in Richland county, in the state of Ohio, to issue bonds for the purpose of erecting, constructing, operating and maintaining an electric light plant, for lighting streets, [avenues,] alleys and public places in such village, and supplying lights for private use.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That the council of the incorporated village of Bellville in Richland county in the state of Ohio, be and the same are hereby authorized to issue the bonds of such village in any sum not exceeding eight thousand dollars, for the purpose of constructing, erecting, operating and maintaining an electric light plant for lighting the streets, avenues, alleys and public places of such village, and furnishing the same to the citizens thereof at such prices as said council may deem proper.

SECTION 2. Such bonds shall be issued by the council of said village in denomination of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) payable at such times not exceeding twenty years from the date of said bonds, as the council shall provide: such bonds to draw interest not exceeding six per centum per annum, payable semi-annually and at such place as said council may determine. Said bonds shall express upon their face the purpose for which and the act under which issued, and shall be signed by the mayor and countersigned by the clerk of said village and shall not be sold for less than their par value.

SECTION 3. The council of said village is authorized and required to levy a tax annually in addition to those now authorized by law, on the taxable property of said village, in such amount as will each year be sufficient to pay principal and interest on said bonds as they may become due and payable by the terms thereof.

SECTION 4. Before any such bonds shall be issued and sold the question of the issue and sale for the purpose herein specified shall be submitted to the qualified electors of such village, at a regular or special election called for the purpose of voting on such question, notice of which election, at least ten days prior to the day of holding the same, shall be given by the clerk of such village in all the newspapers published and in general circulation in such village. Such election shall be held at the usual place of holding elections, and by the officers authorized by law to preside at elections in such village. Those voting in favor of the issue of such bonds shall have written or printed on their ballots the words "For the issue of electric light bonds — Yes"; and those voting against

the same, the words "For the issue of electric light bonds — No." If a majority of such electors voting on said question shall vote "yes," then the council of such village shall have authority and proceed to issue and sell said bonds, and not otherwise.

SECTION 5. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
THADDEUS E. CROMLEY,
President pro tem. of the Senate.
67L

Passed March 23, 1898.

[House Bill No. 446.]

AN ACT

To authorize the trustees of Wayne township, Champaign county, Ohio, to levy a tax for the erection of a township-house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Wayne township, Champaign county, Ohio, are hereby authorized to levy a tax for the purpose of erecting a township-house in Mingo, Champaign county, Ohio; levy not to exceed five hundred (\$500) dollars, the same to be submitted to a vote of the people.

SECTION 2. And this act shall take effect from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
THADDEUS E. CROMLEY,
President pro tem. of the Senate.
68L

Passed March 23, 1898.

[House Bill No. 288.]

AN ACT

For the relief of John Wilson, treasurer of Providence township, Lucas county, Ohio, and his official bondsmen.

WHEREAS, In the month of November, 1896, a sum of money in excess of three hundred dollars (\$300), being the township and school funds of Providence township, by reason of the burning of his said dwelling house without any negligence on his part, and whereas a large number of the qualified electors of said township have petitioned this general assembly for the relief of said John Wilson, treasurer of said township and his official bondsmen thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Providence township, Lucas county, Ohio, be and are hereby authorized and empowered to submit to the qualified electors of said township at the next April election held after the passage of this act. Ten days' notice of which shall be given before the day of said election by written or printed posters in at least five public places in said township. The question of releasing said John Wilson, treasurer

of Providence township, Lucas county, Ohio, and his official bondsmen thereof from the payment of three hundred dollars (\$300), being the amount destroyed by fire for the said John Wilson, treasurer of Providence township, Lucas county, Ohio.

SECTION 2. That the voters of said township desiring to vote such relief shall have written or printed on their ballots the words, "For relief of John Wilson, treasurer and his sureties — Yes," and those desiring to vote against such relief shall have written or printed on their ballots the words, "For the relief of John Wilson, treasurer and his sureties—No."

SECTION 3. That if a majority of all votes cast upon said question of release at said election shall be in favor of said release then said trustees and other township officers of said township shall by suitable procedure release said John Wilson and the sureties on his official bond as treasurer from the payment of the sum of three hundred dollars (\$300) destroyed as aforesaid.

SECTION 4. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed March 23, 1898.

69L

[House Bill No. 631.]

AN ACT

To provide for the payment of the whole of the taxes received from foreign insurance companies in counties containing a city of the second grade of the first class, to the fire department pension fund, to the police department pension fund and to the sanitary police force pension fund of such cities.

[CLEVELAND.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That the county treasurers of counties containing a city of the second grade of the first class shall semi-annually, at the time of their semi-annual settlement with the auditors of their respective counties, pay over to the treasurer of such city the whole amount, under his annual levy, of all the taxes paid into the treasury of such county by insurance companies incorporated by the authority of any other state or government and doing business in any such city, on the gross receipts of every such insurance company, under and by virtue of the provisions of section two thousand seven hundred and forty-five (2745) of the Revised Statutes, during the half-year preceding such semi-annual settlement, and the whole of the moneys so paid over to such city treasurer shall be credited as follows: Sixteen-thirtieths (16-30) to the fire department pension fund; thirteen-thirtieths (13-30) to the police department pension fund and one-thirtieth (1-30) to the sanitary police force pension fund of such cities; and the moneys so paid over shall be controlled, administered and disbursed in accordance with the provisions of the Revised Statutes of the state of Ohio, governing the mode and manner of distributing the same.

SECTION 2. All acts or parts of acts inconsistent with this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
 THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed March 23, 1898.

70L

[House Bill No. 189.]

AN ACT

To provide for the reorganization of boards of education in city districts of the third grade of the first class.]

[TOLEDO.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That all boards of education in city districts of the third grade of the first class shall consist of five members, all of whom shall be elected by the qualified electors for school purposes residing in such city, and such board shall meet on the first and third Mondays of each month during the school year, and it may hold such special meetings as it may deem necessary.

SECTION 2. Not less than ten days before any school election, legal voters of either sex at such election, may present names of candidates for election on such school board to the board of elections of the county in which such district is situated, and whenever such candidates shall be endorsed in writing by two hundred of the legal voters of either sex and shall be presented to the board of elections not less than ten days prior to such election, the board of elections shall publish the names of such candidates in the daily papers of the city and prepare ballots which shall contain all the names of such candidates, which ballots shall be voted at the election and deposited in a separate ballot-box provided by the board of elections for the [that] purpose. Each elector may mark and vote for as many of such candidates on said ballot as there are members to be elected.

SECTION 3. At the first election for such board, which shall be held on the first Monday in April, 1898, five members of the board shall be elected. The candidate receiving the highest number of votes cast shall be elected to serve for five years; the candidate receiving the second highest number of votes cast, shall be elected to serve for four years; the candidate receiving the third highest number of votes cast shall be elected to serve for three years; the candidate receiving the fourth highest number of votes cast shall be elected to serve for two years, and the candidate receiving the fifth highest number of votes cast shall be elected to serve for one year. On the first Monday of each year after the first election, one member shall be elected for five years. If it is necessary at any election after the first election, to elect more than one member of the board, the members shall be elected in the same manner as at the first election for members of the board. The board shall, until the next

election for school board members, fill vacancies caused by death, resignation or otherwise.

SECTION 4. The board shall have power to provide for the appointment of all necessary teachers and employes, prescribe their duties and fix their compensation; and it may make such rules and regulations for its own government as it may deem necessary. It shall have power to issue bonds for the improvement or purchase of property and erection of school buildings, in any amount not exceeding an aggregate tax at the rate of two mills for the year next preceding such issue, under the restrictions specified in sections thirty-nine hundred and ninety-three (3993) and thirty-nine hundred and ninety-four (3994) of the Revised Statutes. Such board shall also have the powers specified in section thirty-nine hundred and ninety-four *b* (3994b) relative to refunding bonded indebtedness, and it shall have all the powers and perform all the duties which by existing laws are vested in and to be exercised by boards of education in cities of the third grade of the first class relative to any library board and university board therein or otherwise.

SECTION 5. The board shall organize on the third Monday of April, 1898, and annually thereafter. The member of the board whose term shall expire at the end of the current year shall be president of the board for such current year, and shall have sole power to appoint all standing and other committees of said board. The board shall at its first meeting, or as soon thereafter as may be, employ a superintendent of instruction, and also a business manager for a term not to exceed two years. The business manager shall also be clerk of the board, and discharge all the duties imposed by law upon such office.

SECTION 6. The superintendent of instruction shall have the power to appoint and discharge, subject to the approval and confirmation of the board, all teachers and assistants, authorized by the board to be employed. He shall report in writing to the board monthly and oftener, if required, as to all matters under his supervision, and may be required by the board to attend any or all of its meetings.

SECTION 7. The business manager shall be the principal executive officer of the board, by whom his duties shall be prescribed. He shall be ex officio member of the board with the privilege of speaking but not of voting. Except as to teachers and assistants he shall have the appointment and discharge of all employes of the board, subject to the approval and confirmation of the board. He shall report to the board monthly, and oftener if required, as to all matters under his supervision and shall attend all meetings of the board. He shall devote his entire time to the duties of his office, and shall give a bond for the faithful discharge of his duties as business manager and clerk of the board of education in such sum as the board may determine, with sureties to be approved by the board, which bond shall be deposited with the president of the board within ten days after his appointment.

SECTION 8. The business manager shall submit to the board monthly and oftener, if required, a report of the accounts of the board exhibiting the revenues, receipts, disbursements, assets and liabilities of the board, sources from which the revenues and funds are derived and in what manner the same have been disbursed. He shall keep an accurate account of all taxes levied for school purposes and of all moneys due to, received and disbursed by the board; also of all assets and liabilities of, and of all

appropriations made by the board, and shall receive and preserve all vouchers for payments and disbursements made to or by the board. He shall issue all warrants for the payment of money from the school fund, but no warrant shall be issued for the payment of any claim until such claim has been approved by the board, and the pay-roll for assistants in school work and teachers shall be countersigned by the superintendent of instruction.

SECTION 9. The board may at any time for cause suspend or remove the superintendent of instruction, the business manager or clerk, but said officer or officers shall not be suspended or removed unless charges are preferred, in writing, and they be afforded an opportunity to bring or offer testimony in their defense, which testimony shall be received and considered by said board and made a part of the records.

SECTION 10. The city treasurer of such city shall be ex officio the treasurer of the board of education in such district. He shall give bond to the board in such sum as shall be required by the board; and it may award him such compensation as it may deem reasonable, and pay the same from the school funds of the district.

SECTION 11. All money due to the board shall be paid to the treasurer upon the warrant of the business manager, which alone shall be sufficient to authorize such payments; no person except the treasurer shall collect or receive any moneys due to the board, and any payments made, except to such treasurer, and any receipt given therefor by any other person shall be void as against the board.

SECTION 12. No money shall be drawn from the treasury except in pursuance of appropriation made by the board, and whenever an appropriation is made by the board the business manager shall forthwith give notice thereof to the treasurer. No appropriation shall be made for a longer period than for the end of the current year, and at the end of each year all the unexpended balances of appropriations shall revert to the school fund.

SECTION 13. All contracts involving more than two hundred and fifty dollars (\$250) in amount shall be, in writing, executed in the name of the board of education by the business manager and approved by the board. When the money therefor has been appropriated by the board, the business manager may make contracts and purchases not exceeding two hundred and fifty dollars (\$250) in amount, at any time, but all contracts shall be forthwith reported to the board.

SECTION 14. When the board of education determines to build, enlarge, repair or furnish a school-house or school-houses, or make any improvements or repairs, the aggregate cost of which shall exceed \$1,500, except in cases of urgent necessities, or for the security and protection of school property, it shall be as follows:

1. The business manager shall advertise for bids for the period of four weeks, once each week, in not exceeding two newspapers of general circulation in the district; which advertisements shall be entered in full on the records of the board and all advertisements shall be paid for at not exceeding legal rates, as provided in section 4266 of the Revised Statutes.
2. The bids sealed up shall be filed with the business manager at 12 o'clock noon, of the last day stated in the advertisement.

3. The bids shall be opened by the business manager at the next meeting of the board, be publicly read by the business manager and entered in full upon the records of the board.

4. Each bid shall contain the name of every person interested in the same, and shall be accompanied by a sufficient guarantee of some disinterested person or company, that if the bid be accepted the contract will be entered into and the performance of it duly secured.

5. When both labor and material are embraced in the work bid for, each must be separately stated in the bid with the price thereof.

6. None but the lowest responsible bidder shall be accepted, but the board may reject all the bids, or accept any bid for both labor and material, which is the lowest in the aggregate for such improvement or repair.

7. Any part of the bid which is lower than the same part of any other bid, shall be accepted, whether the residue of the bid is higher or not, and if it is higher, such residue shall be rejected.

8. The contract shall be between the board and the bidders, and the board shall pay the contract price for the work when it is completed and accepted, in cash, and make monthly estimates of the work as it progresses.

9. When two or more bids are equal in the whole or in any part thereof, and are lower than any others, either may be accepted, but in no case shall the work be divided between the makers thereof.

10. When there is reason to believe that there is any collusion or combination among the bidders, or any number of them, the bids of those concerned therein shall be rejected.

SECTION 15. The members of the board of education, in cities of the third grade of the first class, in office when this act takes effect, shall continue in office until the school board is organized as herein provided, at which time their powers and duties shall cease and determine, and their offices thenceforth shall be and are hereby abolished.

SECTION 16. All provisions of law in force when this act takes effect, which are inconsistent with any provisions of this act, shall be held to be superseded by the latter, as to the matter of inconsistency, and not otherwise as to city districts of the third grade of the first class.

SECTION 17. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed March 23, 1898.

71L

[Senate Bill No. 284.]

AN ACT

To provide for the cleaning, sweeping, sprinkling and repairing of streets, avenues and alleys in cities of the first grade of the second class.

[COLUMBUS.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That cities of the first grade of the second class shall have power and authority to clean, sweep, sprinkle with water and repair, any street, avenue or alley in any such city as hereinafter provided.

SECTION 2. The board of public works, or the board or commission possessing or exercising the powers, rights and privileges of boards of public works, in such cities, shall, before any steps are taken to cause any of the streets, avenues or alleys in such cities, to be cleaned, swept, sprinkled or repaired, by resolution appoint two electors, owners of real estate fronting or abutting upon such street, avenue or alley, who with the chief engineer of the city shall constitute a board of commissioners for such street, avenue or alley, to serve without compensation. Said commissioners shall be appointed for the term of one year, and any vacancy in said board, arising from failure or refusal to act or from any other cause, shall be filled by the board of public works by the appointment of some person qualified as above provided.

SECTION 3. The commissioners, appointed as above provided, shall, ten days after such appointment, in each year, file with the board of public works in such cities a written statement of the cleaning, sweeping, sprinkling or repairing that, in their opinion, will be necessary to be done upon such street, avenue or alley within the period of one year from date; and said board, from the statements so filed and from such other information as may come to its knowledge, or upon failure of said commissioners to file such recommendation, may determine what is necessary to be done upon any such street, avenue or alley within said period.

SECTION 4. The board of public works, upon the determination of what is necessary to be done upon any street, avenue or alley, as provided in the preceding section, shall cause to be prepared specifications for the performance of such work, and upon the completion of such specifications, shall advertise, for the period of ten days, in some newspaper of general circulation in such city, for bids, to do said work, and to furnish the labor, materials, tools and machinery therefor as provided in said specifications. Such notice shall state that each bidder will be required to file with his bid, a bond or a certified check upon some solvent bank, in an amount acceptable to said board, conditioned that, if his bid is accepted he will enter into a contract to do the work, and furnish the labor, materials, tools and machinery necessary therefor, in accordance with his bid and with said specifications. Said board, upon the opening of the bids, shall determine which is the lowest and best bid or bids, and may accept such bid or bids, or reject any or all bids and advertise for new ones. In case of the acceptance of any bid or bids, said board shall enter into a written contract, with the successful bidder or bidders, for the cleaning, sweeping, sprinkling or repairing such streets, avenues or alleys. Said contract shall be in the name of

the city, signed by the president of the board of public works, and when so signed shall be binding upon such city and not until then. Each contractor shall be required to enter into a bond with penalty and sureties, satisfactory to said board, conditioned for the faithful performance of the contract.

SECTION 5. If the board of public works in any such city shall be of the opinion that the streets, avenues or alleys of such city can be cleaned, swept, sprinkled or repaired cheaper or more advantageously to such city by or through the officers of such city than by contract, it may so declare by resolution, and upon the adoption of such resolution the council of any such city upon recommendation of said board, may pass an ordinance authorizing the officer or officers having the care of streets, avenues and alleys, or highways in any such city, to purchase or rent the necessary tools, machinery and appliances, to employ the necessary labor, and to clean, sweep, sprinkle or repair the streets, avenues or alleys in such city.

SECTION 6. The entire cost and expense of cleaning, sweeping, sprinkling or repairing any street, avenue or alley, under the provisions of this act, shall be assessed equally by the foot upon all the lots and lands fronting or abutting upon such street, avenue or alley, between the points named in the contract, except as hereinafter provided.

SECTION 7. Whenever any street, avenue or alley is cleaned, swept or sprinkled under the provisions of this act, upon which a line of street railway is operated, the person or company owning or operating such railway shall pay such proportion of the cost and expense of such cleaning, sweeping or sprinkling as the part of said street occupied by the tracks of said railway bears to the whole surface of the street, avenue or alley cleaned, swept or sprinkled, and the balance of such cost and expense shall be assessed upon the real estate fronting and abutting upon such street, avenue or alley as hereinafter provided.

SECTION 8. If, at any time, in any such city there is provided a fund for the purpose of cleaning, sweeping or sprinkling the streets, avenues or alleys of such city, arising either from a general levy, from license fees, or any special assessment, other than the one herein provided, said board of public works is hereby authorized and empowered to expend such fund for said purpose. Said fund to be distributed to the streets, avenues or alleys cleaned, swept or sprinkled in proportion to the work done upon each. Provided, that if such fund be insufficient to defray the entire cost and expense of such cleaning, sweeping or sprinkling, the cost and expense, in excess of such fund, shall be assessed as provided in section six of this act.

SECTION 9. When any of the streets, avenues or alleys of such cities are cleaned, swept, sprinkled or repaired, under the provisions of this act the council of any such city, as soon as the cost and expense of such work has been determined, shall, upon recommendation of said board, pass an ordinance levying and assessing such cost and expense as hereinbefore provided. The cost and expense of such work may include the cost of all printing and advertising, the interest, to the date when such assessments can be collected, upon any money that may be borrowed as hereinafter provided, and any other expense that may become necessary for the proper execution of such work. The assessment of the cost and expense of such work upon all streets, avenues or alleys so

cleaned, swept, sprinkled or repaired in such cities may be made in one assessment ordinance.

SECTION 10. The council of such cities, in which any of the streets, avenues or alleys are cleaned, swept, sprinkled or repaired under the provisions of this act, shall have power to borrow money, at the rate of interest not exceeding six per cent. per annum, to pay the cost and expense of such work, as it progresses, in anticipation of the collection of the assessments to be levied therefor as herein provided.

SECTION 11. Upon the passage of said assessment ordinance, the clerk of the council of such city shall cause a notice, of the passage of such ordinance, to be published in the manner required by law, in such cities, for the publication of resolutions and ordinances of general nature. The publication of such notice as herein required shall be the only notice necessary to be given to owners of property upon which such assessments are levied. Such assessments to be a lien upon the property assessed from and after the date of the first publication of such notice. Said notice shall state the names of the streets, avenues or alleys upon which property has been assessed, the place where the assessment sheets can be seen and examined by property owners, the time and place where the assessments are to be paid and the officer to whom payable.

SECTION 12. The assessment sheets for each street, avenue or alley shall be furnished to the city or county treasurer vested with authority to collect such assessments. The assessments shall be paid to the treasurer of such city, or if there be no such treasurer, then to the treasurer of the county, in which such city is located, at or before the time specified in the notice published as hereinbefore provided. Said treasurer, upon the expiration of the time of payment provided in said notice, shall certify to the city council of such city the names of the owners of property assessed as aforesaid, that have failed to pay their assessment together with the amount assessed against each separate piece of property. Upon the receipt of such certificate the city council of said city shall certify such unpaid assessments to the auditor of the county, in which such city is located, and such assessments shall be placed upon the tax duplicate by said auditor, and collected as other taxes, together with six per cent. interest from the date named in such notice for payment. Said assessments as collected shall be placed in a fund to be known as a "street maintaining fund" and shall be paid out upon the order of the board of public works.

SECTION 13. If any such cities have no board of public works, and have no other board or commission having the powers and performing the duties of boards of public works, then the powers and duties hereinbefore enumerated and delegated to boards of public works shall be and are hereby delegated to and conferred upon the councils of such cities.

SECTION 14. That the act entitled an act "to provide for repairing, cleaning and sprinkling of, and planting and caring for trees in streets, avenues and alleys in cities of the third grade of the first class, and first grade of the second class" (passed March 28, 1888, vol. 85 O. L., 126) so far as it applies to cities of the first grade of the second class, an act entitled an act "to provide for the repair and taking care of streets in cities of the first grade of the second class and for other purposes," (passed April 17, 1891, vol. 88, O. L., 323), and an act entitled an act

"to provide for the cleaning and sprinkling of, and planting and caring for trees in streets, avenues and alleys in cities of the first grade of the second class" (passed May 9, 1894, vol. 91, O. L., 705), and an act entitled an act "to provide for the cleaning and sprinkling of public ways of cities of the first grade of the second class" (passed May 21, 1894, vol. 91, O. L., 828), and an act "to provide for the cleaning and sprinkling of public ways in cities of the first grade of the second class" (passed March 12, 1896, vol. 92, O. L., 480), be and the same are hereby repealed.

SECTION 15. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.
72L

Passed March 25, 1898.

[House Bill No. 196.]

AN ACT

To relieve Canton township clerks from refunding overdrawn salaries.

WHEREAS, On April 15, 1889 (O. L., vol. 86, page 350), the legislature of Ohio passed a law fixing the salary of township clerks in certain townships, to wit: "That in any township in the state having a population at the last federal census in 1880, and which at any subsequent census may have a population of 21,175, the township trustees of said township may allow the clerk thereof a compensation not to exceed \$250.00 in any one year, to be paid out of the township treasury"; and,

WHEREAS, Frank M. Goshorn and Cavie Richardson were duly elected township clerks of the township of Canton, county of Stark, and state of Ohio, subsequent to the enactment of said law; and,

WHEREAS, Said Canton township aforesaid had a population at the federal census in 1890 of 21,175 and more; and,

WHEREAS, Under the provisions of said act and law said Frank M. Goshorn and Cavie Richardson were allowed by the trustees of said township said sum of \$250.00 per annum; and,

WHEREAS, It is claimed that said act of the legislature and said law is unconstitutional, and there being no question but that the services rendered by said clerks were in fact worth the amount fixed by the said act as the salary therefor; and,

WHEREAS, It is claimed that by reason of the unconstitutionality of the said act said Frank M. Goshorn has received the sum of \$450.00 and the said Cavie Richardson the sum of \$250.00 in excess of what their salary as such township clerks would have been providing said law was not passed or is unconstitutional, and that therefore said amounts should have been refunded to said Canton township; and,

WHEREAS, The trustees of said township in fixing the salaries of said clerks, and said clerks in receiving said compensation relied upon said act and law to determine and fix their compensation, and believed that they were entitled to the compensation therein fixed, and accepted

the same in good faith, and that the services rendered by them were of the value and amount so paid them; now, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That by reason of the facts herein contained that the said Frank M. Goshorn and Cavie Richardson, and each of them, as clerks of said Canton township, be relieved from the payment or refunding to said Canton township the money hereinbefore named, which it is claimed they received under said law, so passed as aforesaid, and that the amounts so drawn by them as salaries as aforesaid be and remain as the proper compensation for their said services, and that no refunding of the same be made necessary.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed March 25, 1898.

73L

[Senate Bill No. 182.]

AN ACT

To detach certain lands lying and being within the corporate limits of the village of Antwerp, in Carryall township, Paulding county, in the state of Ohio, and the village school district known as the Antwerp village school district, from other lands lying in said village and village school district, and attach the same to the said township of Carryall and said Carryall township school district, pursuant to a request of the persons owning said lands so sought to be detached as aforesaid. The said lands being farm lands and now used exclusively for farming, and not laid out in lots and not platted or recorded as such.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That the northwest fraction of the north half of section number twenty-seven (27), township three (3), north range one (1) east, containing forty-nine (49) acres, and all of the southwest quarter of section twenty-two (22), township number three (3), north of range one (1) east, that lies south of the Maumee river, containing one hundred and eighteen (118) acres of land, and all of the southeast quarter of section twenty-one, township three (3), north range one (1) east, which lies on the south side of the Maumee river, containing twenty-four and one-half acres of land, and all of the northeast quarter of section twenty-eight (28), township three (3), north range one (1) east, which lies on the south [side] of the Maumee river, containing sixty-nine and twelve one-hundredths acres of land, all of said tracts lying and being in Carryall township, Paulding county, Ohio, be and the same are hereby detached from the other lands in said village of Antwerp, Ohio, and from said Antwerp village school district and attached to the township of Carryall and said Carryall township school district, and made a part thereof, said township of Carryall being in said county of Paulding, and contiguous to said lands.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed March 25, 1898.

74L

[Senate Bill No. 307.]

AN ACT

To authorize the commissioners of Auglaize county, Ohio, to issue and sell bonds for the purpose of building a bridge or arch over the St. Mary's river in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Auglaize county, Ohio, are hereby authorized to construct and erect a bridge, stone or steel arch across the St. Mary's river on Spring street, in the village of St. Mary's, county of Auglaize and state of Ohio. Plans and specifications of and for either of the said new structures, according as the said commissioners shall hereafter determine, shall be adopted and a contract let as otherwise provided by law within six (6) months from and after the passage of this act, which said contract shall require said structure to be completed within as short a time as practicable.

SECTION 2. That the commissioners of Auglaize county, Ohio, for the purpose of thus erecting and constructing such bridge, stone or steel arch as aforesaid, are hereby authorized to borrow such sum of money, not exceeding twenty thousand dollars (\$20,000), as they shall deem necessary, at a rate of interest not exceeding 5 per cent. (5 per cent.) per annum, and to issue the bonds of said county therefor. The principal of such bonds shall be payable at such time or times, not exceeding twenty (20) years after their date, as the said commissioners shall therein specify, and the interest on such bonds shall be payable semi-annually. The said bonds shall not be sold for less than their par value.

SECTION 3. That the bonds so issued shall specify the purpose for which they are issued, shall be in such respective sums as the said commissioners shall determine, shall be payable to the bearer at such place as said commissioners shall therein designate, and shall be signed by said commissioners and attested by the county auditor of said county, and said auditor shall keep a record of all of said bonds issued and the coupons thereto attached.

SECTION 4. For the purpose of paying the interest on said bonds and the principal of the same as they become due, the commissioners of said county shall annually levy a sufficient tax upon all of the taxable property in said county in addition to the taxes now by law authorized to be levied.

SECTION 5. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed March 25, 1898.

75L

[Senate Bill No. 9.]

AN ACT

To legalize the purchase by the trustees of Miami township, Hamilton county, Ohio, of lands for cemetery purposes in the adjoining township of Whitewater in the same county, and known as "Maple Grove cemetery," and to provide for the control and management of the same.

WHEREAS, The trustees of Miami township, Hamilton county, Ohio, could not find within their own township, lands suitable for cemetery purposes, which were at all times accessible; and,

WHEREAS, On the 11th day of April, A. D. 1884, by deed duly recorded in deed book No. 585, page 523, of the Hamilton county, Ohio, records, the said trustees purchased [lands] for cemetery purposes in the adjoining township of Whitewater of said county; and,

WHEREAS, Said lands were purchased after proceedings regularly had under sections 1464 and 1465 of the Revised Statutes of Ohio, and a compliance with the provisions of said sections, except as to the location; and,

WHEREAS, Said trustees and their successors in office have caused said lands to be fenced, platted and laid out into roads and lots, buildings and vault to be erected thereon, trees to be planted on the same and otherwise improved the said lands; and,

WHEREAS, A number of lots have been purchased and burials made by lot owners and others, and the cemetery is known as "Maple Grove cemetery," therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the purchase by the trustees of Miami township, Hamilton county, Ohio, on the 11th day of April, A. D. 1884, by deed duly recorded in deed book No. 535, page 523, of the Hamilton county, Ohio, records, of lands for cemetery purposes, in the adjoining township of Whitewater township of said county, and known as "Maple Grove cemetery," shall be as good and valid in law as if said land had been situated in the said Miami township.

SECTION 2. That the management and control of said cemetery shall be the same as if the said cemetery were situated in the township of Miami, Hamilton county, Ohio.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed March 25, 1898.

76L

[House Bill No. 179.]

AN ACT

Supplementary to title XII of the Revised Statutes of Ohio, to provide a government for cities of the second class, third grade *b*, and also to repeal an act entitled "An act to amend an act entitled 'An act to establish an efficient and non-partisan board of public affairs in cities of the second class, third grade, having a population at the last federal census of 12,122,'" passed April 1, 1890 (87 O. L., 126), and an act entitled "An act to authorize the board of commissioners of sewers in cities of the third grade *b*, of the second class, to make certain street improvements," passed April 10, 1896 (92 O. L., 550), and to repeal section 1707*a* of the Revised Statutes.

[HAMILTON.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the officers of a city of the second class, third grade *b*, shall consist of a mayor and city solicitor, both of whom shall be elected for three years, and a board of control consisting of five members, to be appointed by the judge of the court of common pleas, resident of the county in which such city is situated, if there be such resident judge, and if there be no such resident judge, then by the common pleas judge, or judges of the judicial subdivision of which the county containing such city forms a part, who shall appoint as members of such board five citizens of such city, well known for their intelligence and integrity, not more than three of whom shall be of the same political party, or so reputed; one of whom shall be appointed to serve for one year, one for two years, one for three years, one for four years, and one for five years, and until their successors are elected and qualified; and thereafter as the term of each member expires, his successor shall be elected at the annual municipal election each year by the qualified electors of such city, to serve for a period of five years and until his successor is elected and qualified.

SECTION 2. Said board of control shall be governed by all the laws of this state relating to cities of the second class, third grade, not inconsistent with this act, and shall be vested with all the power and authority and perform all the duties conferred and imposed upon the councils, or any board or boards of the cities of the second class, third grade, by the laws of the state, and the ordinances of said city; and said board of control shall be, and is hereby vested, with all the legislative power and authority. Said board of control shall be the successor of: The city council; the trustees of the water-works; the board of trustees of the gas-works; the board of trustees of any free public library; the board of health and the office of the health officer and clerk of the board of health; the board of commissioners of sewers; the office of the chief of police; the office of city commissioner; and the office of city civil engineer in such cities of the second class, third grade *b*, and shall be vested with all the powers and shall discharge all the duties conferred and imposed on said respective boards and officers by the laws of the state and the ordinances of such cities, not inconsistent nor in conflict with this act, which said respective city council, boards and offices are hereby abolished; but said city council, boards and officers shall continue in office until their successors are appointed or elected and qualified as herein provided.

SECTION 3. Within ten days after the appointment of the members of said board of control, the members so appointed shall qualify as hereinafter provided, and shall meet and organize as follows: The member having the shortest term to serve, shall be president of said board of control; and the member having the next shortest term to serve, shall be president pro tem. of said board; and annually thereafter, the newly elected member or members shall qualify, and the said board of control shall meet and organize in the manner above provided. Said board of control shall immediately thereafter elect a clerk and a city auditor, which last named office is hereby created and established for cities of the second class, third grade b, and appoint a sergeant-at-arms to serve as such, at the pleasure of said board of control, for a period not exceeding one year.

SECTION 4. If any person appointed or elected a member of said board of control shall fail to qualify as hereinafter provided within ten days after his appointment or election, he shall be deemed to have declined said office, and the office shall be vacant, and such vacancy or any vacancy in said board of control caused by death, resignation or otherwise, shall be filled by appointment by said board of control; but a vote of three of its members in favor of a candidate shall be necessary to his appointment. Said person so appointed shall qualify as hereinafter provided, and hold his office until the next annual municipal election, when such vacancy shall be filled by election for the unexpired portion of said term.

SECTION 5. No person shall be elected or appointed a member of said board of control who shall not have been a resident and qualified elector of said city for at least one year next prior to his election or appointment as a member of said board; and any member removing his residence from said city shall be held to have resigned his office.

SECTION 6. Each person elected or appointed as a member of said board of control, before entering upon the discharge of the duties of his office, shall qualify by executing a bond to the city in the sum of \$25,000, conditioned for the faithful performance of all the duties of said office, with at least four sureties thereon owning unincumbered real estate within the state of Ohio, aggregating in value at least double the amount of said bond. All said bondsmen shall be residents of this state, and at least one of them a resident of said city. He shall also make and subscribe an oath of office to be endorsed upon said bond, which bond and the security thereon shall be examined and approved, and the approval thereof endorsed in writing on said bond by the mayor and city solicitor, and shall be recorded with the endorsements thereon in the minutes of said board of control and be thereafter deposited with the city treasurer.

SECTION 7. The members of said board of control shall meet in legislative session regularly once each week, on a day and at an hour to be fixed by ordinance; and said board may also hold such special or called meetings as are authorized by law. The salary of the members of said board of control shall be \$1,500 per year, payable quarterly, out of the general expense fund of such city.

SECTION 8. For the purpose of administering the affairs of said city, there shall be the following departments, viz.:

¹First. The department of public improvements, which shall include all matters relating to streets, alleys, sidewalks, bridges, sewers, parks,

markets, public charities, city prisons, work-houses and infirmaries the repair and improvement of the same.

Second. The department of police, which shall include all matters connected with or in any wise relating to the control and management of the police of said city.

Third. The department of public works, which shall include all matters relating to the management and operation of the water-works, and electric light plants, and the necessary improvements to conduct and operate the same, and the repair and improvement of the same.

Fourth. The department of public safety, which shall include all matters relating to the fire department, fire escapes, insecure buildings, the public health, and the granting of permits for the erection of buildings.

Fifth. The department of law and accounts, which shall include all the financial transactions of the city, drawing of warrants, recording of bonds issued; also all matters pertaining to questions of law, validity of ordinances, resolutions, contracts, bills and salaries.

SECTION 9. Each member of said board of control shall have charge of one of said departments, and shall be known as the director thereof. Said directors shall be assigned to their respective departments by the president of said board of control annually, within ten days after the organization, and in default of said president making such assignment within said time, the board shall make said assignments within two weeks thereafter.

SECTION 10. Said board of control shall, within thirty days after its organization, adopt specific rules and regulations for the control and management of each of said departments, and the director of each department shall, under said rules and regulations control and manage the same according to law and the ordinances of said city, and shall be responsible for the efficient and economical management thereof, and said board of control may, after its first organization under this act, summarily discharge any employe in any department of said city, and thereafter the hiring and summary discharge of employes shall be done by the director in said respective department under such rules and regulations as may be adopted by said board of control for the purpose. All appointments to and dismissals from service in any department shall be reported immediately by the director making the same to said board of control.

SECTION 11. Said board of control shall, annually, on or before the third Monday of April, elect one assessor of personal property for said city, who shall qualify and discharge all the duties required by law of township assessors, and shall appoint or elect as required by law members of the annual and decennial boards of equalization and members of the board of election.

SECTION 12. Said board of control shall appoint a city civil engineer for such city, who shall hold his office for a term of one year. He shall keep an accurate record of all surveys, grades, plats, maps, and drawings made by him in suitable books to be provided by said board of control, all of which shall be the property of the city, and be open to the inspection of the public.

SECTION 13. Said board of control may, whenever it deems it necessary, temporarily employ a person skilled in duties pertaining to

one of said departments to assist and advise in the performance of the duties thereof, and shall pay such person a reasonable compensation for said services.

SECTION 14. The clerk, whose election is provided for in section 3 of this act, shall be known as the city clerk. He shall attend all the meetings of the board of control and keep correct minutes of all its proceedings and transactions in suitable books to be provided therefor by said board. The said board shall also provide him with suitable books for each department, in which he shall record and keep accurate accounts of the receipts and expenditures pertaining to said respective departments. Said clerk shall also perform all the duties required of him by said board of control and by the ordinances of said city, and the laws of the state of Ohio. He may appoint one deputy and such assistants as the board of control may deem necessary and approve. All the records and papers pertaining to said clerk's office shall, during business hours, be open to the inspection of the public.

SECTION 15. The city auditor, whose election is provided for in section 3 of this act, shall keep accurate accounts of all taxes levied and assessments made, of all moneys due, receipts and disbursements by the city, of all assets and liabilities of the city, and of all appropriations made by the board of control, and keep an accurate account of each fund of said city. He shall, at the expiration of each fiscal year (which fiscal year shall end on the thirty-first day of December, annually), and oftener, if required by the board of control, audit the accounts of the city and each separate fund and department thereof, and make a detailed report of the same under oath to said board of control, and said annual report shall be published by said board of control within ten days thereafter, in one newspaper published and of general circulation in said city. No warrant for the payment of any claim shall be issued by the city auditor until the payment of such claim shall have been duly ordered by the board of control and certified to him by the city clerk and president of said board, and he shall perform such other duties as are or may be required of him by law or ordinance. If he draw a warrant for any claim in any amount contrary to law, he and his sureties shall be individually bound for the same, unless the board of control ordered the payment of the same and made the necessary appropriation, in which case he or his bondsmen shall not be held liable therefor.

SECTION 16. The city solicitor shall be the legal adviser of the board of control and of all the officers of said city. He shall prepare all official bonds and approve the same and the sureties thereon. He shall prepare all contracts to which the city is a party, and prepare all bonds to secure their performance and approve the sureties thereon. He shall prepare all ordinances and resolutions required to be prepared by the board of control. He shall be the attorney of the city in all litigation to which it is a party in all the courts; provided, he shall not be required to prosecute any action before the mayor for the violation of any city ordinance unless he shall have first advised such action. He shall attend all legislative meetings of the board of control, and such other meetings as it may require; and the board of control may require him to give his opinion on any question in writing, which opinion shall be kept on file in the office of the city clerk, for the exclusive use of the board of control, and officers of said city, and he shall perform all other duties required of him by law and the ordinances of said city. In matters or

cases of great importance, said board of control may employ one attorney to assist the city solicitor in such matter or case.

SECTION 17. The mayor shall be the head and chief executive officer of the city, and shall enforce the ordinances thereof and the laws of the state. He shall preserve the public peace and maintain good order in the city. He shall have control of the police of the city, and shall be responsible for the discipline and good conduct thereof. In case of riot or other great emergency he may also take command and control of the fire department of said city during said riot or emergency. All ordinances, and all contracts involving \$250 and upwards, which have passed or been approved by the board, shall, before they take effect or become operative or binding, be presented, duly certified by the clerk to the mayor for approval. The mayor, if he approve such ordinance or contract, shall sign it, but if he does not approve it he shall return the same to the board with his objections within ten days thereafter, which objections the board shall cause to be entered in full on its journal, and if he does not return the same within the time above limited, the ordinance shall take effect in the same manner as if he had signed it; provided that the mayor may approve or disapprove the whole or any part of any ordinance or contract; and further provided, that any item or part disapproved shall have no bearing or connection with any other part of such ordinance or contract; and such ordinance or contract before taking effect or becoming operative as to the item or part not objected to by the mayor shall be again passed by a majority of the board, whereupon the same as so changed shall take effect and become operative after due publication, if the same be an ordinance. When the mayor refuses to approve any such ordinance or contract or part thereof and returns it to the board with his objections, the board shall, after the expiration of not less than one week, proceed to reconsider it, and if the same is approved by the vote of four-fifths of all the members thereof, it shall then take effect and become operative after due publication, if it be an ordinance, as if it had received the signature of the mayor. In the absence of the mayor, the superintendent of police may take recognizance for the appearance of a person charged with misdemeanor or violation of a city ordinance. The mayor shall perform such other duties as he may be authorized and required to perform by law or the ordinances of the city not inconsistent or in conflict with this act.

SECTION 18. The police force of the city shall consist of one superintendent, one captain, and two drivers of the patrol wagon, and one patrolman for each 1,200 inhabitants of said city, each of whom shall be appointed by the director of the police department, subject to the approval and confirmation by a majority of the board of control. The superintendent shall have control of the police force in the absence of the mayor; the captain in the absence of the mayor and superintendent; and the director of the police department shall appoint no person to a position on the police force who has not passed a successful physical examination by a competent physician, to be appointed by the board of control, according to such rules as to measurements as may be prescribed by the board. No person shall be eligible to appointment on the police force who is not an elector of the city, or has not been a resident for one year past, who cannot read and write the English language understanding

who is less than 25 or more than 45 years of age, who is not of good moral character, and has never been convicted of a felony, or of a misdemeanor, or the violation of any ordinance of the city within three years next prior to the date of his appointment, or who is engaged in any unlawful business or calling. The said director shall summarily dismiss from the force any member thereof who procured his appointment thereto by misrepresentation or concealment of any required qualification. He shall suspend or summarily dismiss any member thereof who shall enter any place where intoxicating liquor is manufactured or sold, or who shall drink any intoxicating liquor while on duty, or who shall visit any house of ill-fame, or be found in the company of any lewd female, except in the discharge of his duty, or shall violate any law of the state, ordinance of the city, or rule or regulation of the police department; and during such suspension such policeman shall draw no pay as such from said city. The appointment, knowingly, by the director, of any person on said police force not possessing the required qualifications, or his failure or refusal to discipline or dismiss any member thereof as herein provided, shall be sufficient cause for the removal of said director from office as hereinafter provided. Any person thus dismissed from said force shall not be reappointed on said force for the period of one year thereafter. The director shall keep a full record of the appointments, suspensions and dismissals from said police force, and the same shall be open to the inspection of said board of control and the city solicitor at all times.

SECTION 19. Each member of said police force, before entering upon the discharge of his duties, shall give bond to the city in the sum of \$2,000, conditioned for the faithful performance of his duties according to law, with at least two sureties to the satisfaction of the board of control and city solicitor, and shall take an oath of office, which oath and the approval of said bond shall be endorsed thereon, and thereafter be filed with the clerk.

SECTION 20. The superintendent of police shall be paid a compensation not exceeding \$80 per month; the captain, not exceeding \$75 per month; the patrolmen and drivers of the patrol wagon, each a sum not exceeding \$60 per month, for the services by them respectively rendered; said compensation to be paid at least monthly.

SECTION 21. Any employe of any of said departments who shall drink intoxicating liquor while on duty, or who shall come on duty while in a state of intoxication, or who shall bring or knowingly permit any intoxicating liquors to be brought into or about any of the public buildings or parks of said city, shall be summarily dismissed from the city's service by the director of the department in which he is employed.

SECTION 22. The board of control shall provide suitable offices, with the necessary furniture, books and stationery for the mayor, city clerk, city auditor, city solicitor and city civil engineer in the city buildings.

SECTION 23. Before entering upon the duties of their respective offices, the mayor, city solicitor, city clerk, city auditor, city civil engineer and deputy city clerk shall give bonds to the city, conditioned for the faithful performance of their duties according to law; the mayor in the sum of \$25,000, with at least four freehold sureties; the city solicitor, city auditor and city clerk, each in the sum of \$10,000, with at least two

freehold sureties upon each of said bonds; the city civil engineer and deputy city clerk, each in the sum of \$5,000, with at least two freehold sureties upon each of their bonds. The sureties upon each of said bonds respectively, shall be residents of the state, and at least one on each bond shall be a resident of such city, and said sureties shall own in simple unincumbered real estate in the state of Ohio aggregating value double the amount of said bond. A reliable indemnity company may also be accepted as such bond. Each of said officers and appointees shall make and subscribe an oath of office, which shall be endorsed upon his bond. The board of control shall approve all of said bonds and sureties thereon, which approval shall be endorsed upon said bond by the president of said board, and shall thereafter be immediately recorded with the endorsements thereon in the minutes of said board of control by the city clerk, and thereupon deposited for safe keeping with the city treasurer.

SECTION 24. In all cities of the second class, third grade, the county treasurer shall act as city treasurer of such city, and shall be the custodian of all the funds belonging to said city. Before entering upon the duties of his office said treasurer shall give bond to said city, conditioned for the faithful performance of all his duties as such treasurer, in such sum and with such sureties as the board of control thereof shall require, and approve, and shall make and subscribe an oath of office, which shall be endorsed upon said bond, which bond and the endorsements thereon shall be forthwith recorded in the minutes of said board of control and be deposited with the city clerk for safe-keeping. Said city treasurer shall be paid the sum of \$500 per annum for his services, in quarterly installments, payable out of the general expense fund of said city.

SECTION 25. The board of control of said city may require any employe to give a bond to said city, conditioned for the faithful discharge of his duties, according to law, in such sum and with such sureties as it shall require.

SECTION 26. If, in the opinion of the mayor or city solicitor, the sureties on the bond of any member of the board of control become insufficient at any time, they may require such member of the board of control to give a new bond with sufficient sureties, as provided in this act, within ten days after notice, and in default thereof the office of such member of the board of control shall be vacant; and if said board of control shall deem the sureties on the bond of any officer or employe of the city, or the bond of the city treasurer insufficient at any time, the board of control may require such officer, employe or city treasurer to give a new bond with sufficient sureties within ten days after notice, as provided for in this act, and on failure to give such bond the office of such officer or the position of such employe or of the city treasurer shall be vacant, and said vacancy shall be filled as herein provided. The giving of such new bond shall not release the sureties on the old bond for any liability existing prior to the giving of the new bond.

SECTION 27. The salary of the mayor shall be \$1,000, and of the city solicitor \$1,200, payable quarterly. The compensation of the city clerk shall be at the rate of not exceeding \$1,200; of the deputy clerk not exceeding \$720; of the city auditor not exceeding \$1,200; of the city civil engineer, at the rate of not exceeding \$1,200.

SECTION 28. If a vacancy occur in the office of the mayor or city solicitor, during the term for which either was elected, the same shall be filled by appointment by the board of control until the next annual municipal election that shall be held more than thirty days after the occurrence of such vacancy. Such appointee shall qualify in the same manner, shall have the same power, and authority to discharge the same duties, be subject to the same liabilities, and shall receive the same salary as the officer whom said appointee succeeds. At the next annual municipal election said office shall be filled by election for the unexpired term thereof.

SECTION 29. All advertising required by law or ordinance on behalf of said city shall be printed in one daily newspaper published in the English language, and of general circulation in said city, and shall strictly conform to section 4369 of the Revised Statutes of Ohio. Annually, within thirty days after its organization the board of control shall receive sealed bids for said advertising, and said advertising shall be awarded to the lowest bidder therefor for the period of one year thereafter. The board shall require the successful bidders to give bond in such sum as it may deem expedient, with sureties to its satisfaction for the faithful performance of such contract. The board of control, in its discretion, may reject any or all bids for such advertising.

SECTION 30. Said board of control shall advertise for the period of ten days for sealed bids for the furnishing of blank books, stationery, furniture, and all other necessary supplies for the offices of said city. Said bids shall be upon blanks furnished by the city clerk, defining the kind, quality and quantity of the articles required; and thereafter the said board of control as far as practicable, shall purchase all supplies required by any department of said city in quantities from the lowest bidder, after ten days' advertising as above prescribed. All bids advertised for by said board of control for all purposes whatsoever, shall be received under seal up until two o'clock p. m. of the day named in the advertisement for the reception of bids, and shall forthwith be publicly opened and read by said board, and recorded by said city clerk in the minutes of said board. Said board of control, in its discretion, may reject any or all such bids, whether the advertisement reserves the right or not.

SECTION 31. No contract involving the expenditure of \$100 or upwards for the purchase of any machinery, apparatus, appliance, article or supplies for the use of said city, or for any public improvement upon the part of said city, shall be made by said board of control, until after advertisement and bids therefor shall have been received, opened, read and recorded, when said contract shall be awarded to the lowest and best bidder, as is provided in sections 29 and 30 of this act; provided, however, that whenever said city desires to sell bonds or purchase machinery or supplies, or contract for a public improvement involving an expenditure of \$2,000 or upwards, said board may advertise in addition thereto, in other ways, and may likewise reject any and all bids made therefore, whether the advertisement so states or not.

SECTION 32. Any officer of a city of the second class, third grade b, who shall wilfully neglect or refuse to perform any of the duties of his office, shall be guilty of a misdemeanor, or who shall be guilty of misfeasance or malfeasance in his office, or who shall be guilty of any offense

under the criminal laws of this state, shall, upon conviction thereof, be adjudged by the court before which he is convicted, to have forfeited his office, and the vacancy thereby created in said office shall be filled as hereinbefore provided; it shall be unlawful for any member of the board of control, or any officer or employe of the municipality to accept any orders, or to be interested, directly or indirectly, in discounting any order issued or to be issued by the municipality, or to purchase such order, bill or account; and any member of the board of control or other officer who shall be guilty of such offense shall forfeit his office, and any employe guilty of such offense shall be dismissed forthwith from the service of the city.

SECTION 33. It shall be unlawful for any member of the board of control or other officer or employe of said city to be pecuniarily interested directly or indirectly, in any contract for work to be done for, or machinery, material or supplies of any kind whatever, to be furnished to said city, or any department thereof, and any contract so made shall be void, and any member of the board of control or other officer who shall be guilty of such offense shall forfeit his office, and any employe guilty of such offense shall be dismissed forthwith from the service of the city, and the person guilty of such offense shall also be liable, on his behalf, in a civil action in addition thereto for damages suffered by the city growing out of such unlawful act.

SECTION 34. If any member of the board of control, or other officer or employe of the city shall receive any fee, present, gift, reward, emolument, or share, or interest therein other than his regular salary or compensation for services as provided in this act, if an officer, he shall forfeit his office; if an employe, he shall be dismissed from the service of the city; and such offender shall be punished for misdemeanor.

SECTION 35. In all cities of the third grade *b*, of the second class, all nominations of candidates, by all political parties or associations, for mayor, city solicitor, member of the board of control, or any candidate for any office to be voted for at any municipal election, shall be made by a plurality of the lawful electors of their respective political parties at primary elections, and in the manner provided in an act entitled "An act to provide for nomination of candidates in certain counties, and to regulate the conduct of primary elections," passed May 18, 1894.

SECTION 36. That sections 1953, 1954, 1955, 1956, 1957, 1963, 1964, 1980 and 1981, of the Revised Statutes be, and the same are hereby made applicable to cities of the third grade *b*, of the second class, as though such sections were in this act repeated.

SECTION 37. That an act entitled "An act to establish an efficient and non-partisan board of public affairs in cities of the second class, of the third grade, having a population at the last federal census of 12,122," passed April 1, 1890, and an act entitled "An act to authorize the board of commissioners of sewers in cities of the third grade *b*, of the second class, to make certain street improvements," passed April 10, 1896, and section 17 of the Revised Statutes be, and the same are hereby repealed. That all sections or parts of sections of the Revised Statutes of Ohio, and all orders or parts of acts inconsistent and in conflict with the provisions of this act are hereby declared void as to such inconsistency and conflict in whole or not otherwise.

SECTION 38. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.
77L

Passed March 25, 1898.

[Senate Bill No. 46.]

AN ACT

To supplement section 2680 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2680 of the Revised Statutes of Ohio be supplemented as follows:

Sec. 2680*d*. That in Washington county in which such library association mentioned in said section 2680 shall be formed, and in which there is no police court, twenty-five per cent. of all fines and penalties which are assessed and collected by the common pleas and probate courts of such counties for offences and misdemeanors prosecuted in said courts, less the compensation allowed by law to the prosecuting attorney of the county in state cases, shall be paid, quarterly, by the clerk of the court of common pleas and the probate judge respectively, to the trustees of such library association, and that one-fourth of all fines and penalties which are assessed and collected by the mayor of the city of Marietta, prosecuted in the name of the state or said city, shall be paid quarterly by said mayor to the trustees of such library association, all of said sums so paid shall be expended in the purchase of law books and the maintenance of such association subject in all other respects to the provisions of said section 2680.

SECTION 2. This act shall take effect from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.
78L

Passed March 25, 1898.

[Senate Bill No. 250.]

AN ACT

To supplement section 3898 of the Revised Statutes of Ohio, passed April 27, 1896 ([92] O. L., p. 426).

[COLUMBIANA COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3898 of the Revised Statutes of Ohio, as passed April 27, 1896, be and [section] is hereby supplemented by [said] section 3898a, so as to read as follows:

Sec. 3898a. In the East Liverpool city school district in Columbiana county, Ohio, the board of education shall consist of seven members elected at large by the qualified electors of the district. That at the next annual election, succeeding the passage of this act, four members shall be elected to serve two years and until the election and qualification of their successors, and three members to serve one year and until the election and qualification of their successors, at the second annual election, after the passage of this act. Three members shall be elected to serve two years and at the next, four members shall be elected to serve two years and until the election and qualification of their successors. Thus the number to be elected annually thereafter shall alternate three and four as the annual elections recur.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.
79L

Passed March 25, 1898.

[House Bill No. 475.]

AN ACT

To change the name of Leopold Newman.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the name of Leopold Newman, a resident of Cuyahoga county, Ohio, be and the same is hereby changed to Leopold Schanfarber.

SECTION 2. Said change shall in no way affect the rights, privileges and liabilities of the person herein named.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.
80L

Passed March 25, 1898.

[Senate Bill No. 264.]

AN ACT

Authorizing the payment in cities of the first grade of the first class of certain claims out of the contingent fund.

[CINCINNATI.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever in any city of the first grade of the first class it shall come to the knowledge of the mayor and the auditor of such city that at the end of the preceding fiscal year there were outstanding claims, not exceeding in the aggregate three thousand dollars, for labor and supplies furnished in connection with the management, maintenance or repair of the

city hall of such city during said preceding fiscal year, which claims had not been paid because of lack of money in the fund appropriated for the payment of that class of claims, such mayor and auditor are authorized to investigate such claims, and if, after such investigation, they shall find that the labor and supplies represented thereby [were] furnished in good faith and were necessary, such mayor and auditor may draw vouchers upon such auditor in favor of the holders of said claims, and such auditor shall issue his warrant upon the treasurer of such city for the payment of such claims out of the contingent fund of such city.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
 ASAHEL W. JONES,
President of the Senate.
 81L

Passed March 29, 1898.

[Senate Bill No. 162.]

AN ACT

To amend sections 1, 2 and 5 of an act entitled "An act relating to the duties and compensation of certain county officers in Pickaway county," passed April 22, 1896 (O. L., vol. 92, page 597).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 1, 2 and 5 of above recited act be amended so as to read as follows:

Sec. 1. Be it enacted by the General Assembly of the State of Ohio, That in Pickaway county the compensation of the probate judge, county auditor and county treasurer, shall be by annual salary exclusively, except as otherwise provided in this section, to be paid in monthly installments, as follows: Probate judge, twenty-six hundred dollars (\$2,600); the auditor, twenty-nine hundred dollars (\$2,900); the treasurer, twenty-eight hundred dollars (\$2,800), and neither of them shall receive, nor agree to receive, directly or indirectly, any additional compensation from any source whatever, for the performance or omission of any official duty, except that the probate judge shall be entitled to receive the fee now allowed by law for issuing a marriage license and filing and recording the certificate of marriage, and the auditor shall be entitled to receive the fees authorized by law for transfers of real estate, and also an allowance for the year of decennial real estate appraisement of six hundred dollars for additional clerk hire the year 1900 and each tenth year thereafter, and an additional allowance of six hundred dollars (\$600) for the year 1901 and each tenth year thereafter, to be paid on the allowance of county commissioners on the third Monday of October of each of said year[s]. Nor shall either of said officers receive a reward of any kind from any employe in his office, or other person, in consideration of the appointment of any such employe, nor any portion of the compensation of any of his employes, nor any money or thing by way of gift or otherwise, from any officers, agent or employe of the county or its commissioners, or from any other person, and no such employe shall pay, or agree to pay, directly or indirectly, to the officers by whom he

is employed, any reward for his appointment, nor receive from any person any fee or compensation for his own use or for the use of such officer, for the performance or omission of any official duty.

Sec. 2. All fees, costs, percentages, penalties, allowances and other perquisites which are now or may hereafter be allowed by law for the performance of official duty by any officer mentioned in section one, shall, when collected, be for the sole use of the county, except as otherwise provided in this act, and the total receipts thereof each day by each of said officers shall, except as otherwise provided in section seven, be paid by him to the county treasurer on the first Monday of each month, and be duly accounted for by the treasurer; and said officers shall keep full and accurate accounts in books to be provided for that purpose, showing all fees, costs, percentages, penalties, allowances and other perquisites that accrue to his office, and from whom the amounts paid to him each day, and by whom the amount paid to the county treasurer each day, and the amount due and unpaid, and also the name of each person or party liable for any part of such as are due and unpaid, and the amount due from each; provided, that such fees, costs, percentages, penalties, allowances and other perquisites in cases pending in court, shall not be deemed to be earned or to have accrued within the meaning of this act, until final judgment.

Sec. 5. Each officer mentioned in section one shall exercise due diligence in the collection of fees, costs, percentages, penalties, allowances and other perquisites accruing to his office, and shall, where authorized by law, collect the same before or at the time they are earned; but the county commissioners may, by order entered on their journal, and certified to the treasurer, authorize the treasurer to omit for thirty days, or a longer period if necessary, to enforce payment of penalties for the non-payment of taxes within the time limited by law; and the treasurer shall not be required to report to the commissioners in his statements required by section three the percentage allowed him by law on taxes collected, except in such statements next following his semi-annual settlements with the auditor.

SECTION 2. That said sections 1, 2 and 5 be and the same are hereby repealed; and this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
82L

Passed March 29, 1898.

[House Bill No. 402.]

AN ACT

To authorize the city of Massillon to levy a tax for the maintenance of free public libraries.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in the city of Massillon, Stark county, Ohio, in which city there is established and maintained by a public library association, not organized for profit, a public library free to the inhabitants of such [said] city, and

owning a library building, and the site for the same, the city council of said city shall annually, so long as the said public library association maintains and conducts said public library and keeps the same open to the inhabitants of such [said] city, levy and cause to be collected an annual tax not exceeding one mill on the dollar of the taxable property of said city, the same to be called the library fund, and such levy shall be certified to the county auditor and placed by him on the tax duplicate of the county and collected as other taxes.

SECTION 2. Said tax, when so levied and collected, shall be paid over by the treasurer of said city to the treasurer of said library association, to be used only for the purpose of paying the current expenses for the librarian and such assistants as may be necessary, and also for the wages of janitor, and for the expenses of lighting, heating, insuring, furnishing, repairing, and for the general maintenance of the said library building and grounds, so that the same shall be maintained in good order and repair at all times; and for the payment of the taxes, if any, assessed against the property, real and personal, of said library association, and for no other purposes whatsoever.

SECTION 3. Said city council shall require the library association to render an account of any and all taxes so received, and how the same shall have been expended, and the power to levy a tax under this act, shall continue only so long as said association shall keep up and maintain said public library free to the inhabitants of said city.

SECTION 4. Whenever such levy of one mill on the dollar will produce a revenue in excess of the amount needed for the above expenditures, such levy shall be reduced so that the amount of revenue for said library fund shall not exceed said expenses.

SECTION 5. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
83L

Passed April 21, 1898.

[House Bill No. 213.]

AN ACT

Entitled "An act to authorize the council of the village of Swanton to issue and sell bonds to pay for paving Main street and graveling other streets in said village."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village of Swanton, Fulton county, in said state, is hereby authorized to issue and sell bonds not in excess of \$10,000 for the purposes hereinafter mentioned, which bonds when issued, shall be signed by the mayor and clerk of said village, shall bear interest at a rate not exceeding six per cent. per annum, payable semi-annually, principal and interest to be payable at such place as the council of said village may direct, and which bonds shall have interest coupons attached. Such bonds shall be made payable in ten years and redeemable in not less than one year and be issued in amounts not less than \$500 nor more

than \$1,000, as council may direct, and shall be sold at such times, and in such amounts, as in the opinion of said council will best carry out the purpose for which the same are issued, provided, that none of such bonds shall be sold or disposed of for less than their par value with accrued interest to the date of sale of disposal.

SECTION 2. Said bonds or their proceeds shall be used for the purpose of paying the expense of paving Main street, from the north side of Church street, south to the Lake Shore and Michigan Southern railroad and graveling other streets in said village (including the expense of preparing and advertising said bonds and the other necessary incidental expenses attending such improvement), and for no other purpose.

SECTION 3. No more of said bonds shall be issued than shall be necessary to procure sufficient money to pay the expense of making such improvements above mentioned.

SECTION 4. The council of said village is hereby authorized and empowered to proceed, as early as it deems proper to contract for such paving and graveling, and it shall not be necessary for the money to pay for the same to be in the treasury of said village before said contract is made, nor for the clerk of said city to [so] certify before that time.

SECTION 5. The cost of such paving and graveling upon all alley, street and highway intersections shall be paid by general taxation upon all the taxable property in said village, and said council is authorized and required annually after said bonds are issued to levy a tax upon all the taxable property in said village, sufficient to provide for the payment of said bonds and interest as the same respectively mature, which tax levy shall be certified by the clerk of said village to the auditor of Fulton county, and collected as other taxes are, and which may be in addition to the other taxation authorized by law in said village.

SECTION 6. All the cost of said paving and graveling except as mentioned in the preceding section shall be assessed by said council upon the real estate bounding and abutting upon said street within the limits herein mentioned, which assessment shall be by the front foot against and upon said abutting property, and shall be a lien upon the same, as other taxes are, and shall be paid in the same manner and at the same time as other taxes, and shall be divided into twenty semi-annual installments so as to provide for the payment of said bonds and shall be certified by the clerk of said village, to the auditor of said county, and placed upon the tax duplicate and collected as other taxes and assessments are. Any person taxed under section six of this act may, within 30 days after assessment is made, pay the entire amount assessed against his property under said section, in which case no other assessment shall be made against said person under said section. The proceeds of said tax and assessments shall be placed in a separate fund, to be known as "Main and Village street improvement fund," and used for no other purpose than as herein specified.

SECTION 7. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed March 30, 1898.

84L

[House Bill No. 398.]

AN ACT

To authorize the council of the village of Napoleon, Henry county, Ohio, to transfer certain funds from the street lighting fund to the water-works and electric light fund of said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Napoleon, Henry county, Ohio, be and is hereby authorized to transfer one thousand and twelve dollars and seventy-eight cents (\$1,012.78) from the street lighting fund of said village to the water-works and electric light fund of said village, which fund has been created by the council of said village.

SECTION 2. To the end that said sum of \$1,012.78 may be transferred as aforesaid, the water-works and electric light trustees of Napoleon, Ohio, are hereby authorized and empowered to present a bill to said council of said village for the sum of \$1,012.78, and that said council be and is hereby authorized and empowered to allow said bill to the said water-works and electric light trustees, and for the payment of said sum into the water-works and electric light fund of said village, and the clerk of said village is hereby empowered to draw an order on the treasurer of said village for said sum, payable out of the street lighting fund of said village.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed March 30, 1898.

85L

[House Bill No. 312.]

AN ACT

To authorize the board of education of South Bend special school district No. 4, of Delhi township, Hamilton county, Ohio, to issue bonds to complete and furnish their new school-house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of South Bend special school district No. 4, of Delhi township, Hamilton county, Ohio, is hereby authorized and empowered to issue bonds not to exceed the sum of fifteen hundred dollars (\$1,500), for the purpose of completing and furnishing their new school-house.

SECTION 2. Said bonds shall be issued by said board, and signed by the president and attested by the clerk thereof; they shall be of the denomination of one hundred dollars (\$100) each and payable in one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen and fifteen years respectively, from the dates thereof, and to bear interest at the rate of five (5) per cent. per annum, payable

semi-annually. Said bonds shall not be sold for less than their par value and at public or private sale, as the board may determine.

SECTION 3. Said board shall annually thereafter cause the necessary taxes to be levied in addition to those now authorized by law, to pay the principal and interest of said bonds, as the same shall become due, in the manner provided by law for the levying and collecting of taxes for school and school-house purposes.

SECTION 4. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.
86L

Passed March 30, 1898.

[House Bill No. 441.]

AN ACT

To authorize the council of the village of West Salem, Wayne county, to issue bonds to build a town hall.

WHEREAS, At the first regular meeting in March, 1897, of the council of the village of West Salem, in the county of Wayne, and state of Ohio, a petition was presented signed by twenty-six freeholders of said village, asking that the question of erecting a town hall for said village be submitted to the voters of said village at its next municipal election, said hall not to cost to exceed five thousand dollars, said building not to be erected before 1898, the cost of the same to be raised by taxation on the general tax duplicate of said village, which petition was granted by the unanimous vote of said council, and a resolution passed by the same vote by said council at said meeting, authorizing said questions to be submitted at the election to be held in said village on the fifth day of April, 1897, of which election and of the submission of which questions, due notice was given by proclamation by the mayor of said village, according to law, for more than two weeks prior to said election and,

WHEREAS, At said election ninety votes were cast in favor of said proposition, and but seventy-seven votes against the same; now, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That the council of the village of West Salem, Wayne county, Ohio, be and the same is hereby authorized to issue bonds in any sum not to exceed five thousand dollars, bearing interest at a rate not to exceed six per cent. per annum, payable annually, said bonds to be of such denominations and payable at such times, not to exceed ten years, as said council may determine. Said bonds shall be designated "Town hall bonds."

SECTION 2. Said village council is hereby empowered to levy such amount of tax upon the taxable property of said village, in addition to other taxes authorized by law, as may be necessary to pay the interest and principal of such bonds when the same become due. Said taxes

shall be levied and collected in the same manner as taxes for other purposes are levied and collected.

SECTION 3. Said bonds shall be sold in accordance with the provisions of section 2709, Revised Statutes of Ohio, Bates' revision of 1897.

SECTION 4. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.
87L

Passed March 30, 1898.

[House Bill No. 167.]

AN ACT

Relating to the duties and compensation of certain county officers of Tuscarawas county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in Tuscarawas county the compensation of officers hereafter elected, shall be by annual salary exclusively, except as otherwise provided in sections six and nine of this act, as follows: The auditor, probate judge and the clerk of the court of common pleas, twenty-six hundred dollars each; the treasurer, twenty-three hundred dollars, and the sheriff, twenty-eight hundred dollars [each]; the recorder, two thousand dollars; the prosecuting attorney, one thousand dollars [each]; the coroner, two hundred dollars; each county commissioner, eight hundred dollars; each infirmary director, two hundred and twenty-five dollars; and neither of said officers shall receive, nor agree to receive, directly or indirectly, any additional compensation from any source whatever for the performance or omission of any official duty; provided, however, that the auditor, probate judge, treasurer, sheriff, and each county commissioner, when necessary to go out of the county on official business connected with their respective duties, may each, in addition to his salary, charge and receive his actual expenses of transportation to and from the county seat, and no more; which expenses shall be paid by the county on the warrant of the auditor, on first producing to the auditor an itemized account therefor, approved, in writing, by the prosecuting attorney. All such salaries shall be paid by the county in equal monthly installments, out of the county treasury, on the warrant of the auditor; but if any such officer shall die, resign, or be removed from office, his compensation shall cease at the time of his death, resignation or removal; and no compensation shall be paid by the county to any deputy, clerk, or other employe of such officers.

SECTION 2. All fees, costs, percentages, penalties, allowances and other perquisites which are now or may hereafter be allowed by law for the performance of official duty by the auditor, probate judge, clerk of the court of common pleas, treasurer, sheriff, recorder, or prosecuting attorney, or by the sheriff as special master commissioner, or as receiver in any case, shall, when collected, be for the sole use of the county, except as otherwise provided in sections six and nine, and the

total receipts thereof each calendar month by each of said officers shall except as otherwise provided in section five, be paid by him to the county treasurer at the close of business on the last business day of each month and be duly receipted and accounted for by the treasurer; and said officers shall keep full and accurate accounts in books to be provided for that purpose, showing all fees, costs, percentages, penalties, allowances and other perquisites that accrue to his office, and by whom paid to him each day and the amounts paid to the treasurer each month and the amount due and unpaid, and also the name of each person or party liable for any part of such as are due and unpaid, and the amount due from each; provided, that such fees, costs, percentages, penalties, allowances and other perquisites in cases pending in court, shall not be deemed to be earned or to have accrued within the meaning of this act until final judgment, except in habeas corpus and divorce cases.

SECTION 3. Each officer mentioned in section two shall, on the first business day of each month, file with the county commissioners a statement, verified by his affidavit, showing the full receipts daily by him for the preceding month, and the total for the month from each of the sources specified in the preceding section, and also a statement verified as aforesaid, showing the full amount of all fees, costs, percentages, penalties, allowances and other perquisites accrued to his office and not paid to him, and the name of each person or party liable for any part thereof, and the amount due from each; and each statement after the first, of the amounts due and unpaid shall begin with a showing of the amount theretofore reported due and unpaid, and what portion thereof has been paid during the month covered by the report. And on the day his term of office expires he shall file with the commissioners like statements showing such receipts daily since his last statements, and such amounts due and unpaid up to that time.

SECTION 4. It shall be the duty of the county commissioners to see that the provisions of this act are faithfully complied with and observed and all statements required by the preceding sections to be filed with them shall be carefully preserved, and shall be subject to public inspection during all official business hours; and the account books provided by section two shall be subject to like inspection, and shall remain in the respective offices where kept, and at the expiration of the term of any officer named in section two shall be turned over to his successor in office.

SECTION 5. Each officer mentioned in section two shall exercise due vigilance in the collection of fees, costs, percentages, penalties, allowances and other perquisites accruing to his office, and shall, where authorized by law, collect the same before or at the time they are earned; but the county commissioners may by order entered on their journal, and certified to the treasurer, authorize the treasurer to omit for thirty days to enforce payment of penalties for the non-payment of taxes within the time limited by law; and the treasurer shall not be required to report to the commissioners in his statements required by section three the percentages allowed him by law on taxes collected, except in such statements next following his semi-annual settlements with the auditor.

SECTION 6. The sheriff shall be allowed to retain for his own use whatever money he may receive under any contract with the county commissioners for keeping and providing for prisoners in the county.

jail; but in making such contract the commissioners shall specify in general terms the manner in which such prisoners shall be kept and provided for, and shall see that the terms are fully complied with.

SECTION 7. Nothing in this act shall be construed to vest in any officer mentioned in section one such fees, costs, percentages, penalties, allowances and other perquisites as are unpaid at the end of their respective terms, but the same shall be the property of the county to be collected by their successors in office, and applied as provided in this act; but fees, costs, percentages, penalties, allowances and other perquisites that accrue to said officers prior to the taking effect of this act shall not be affected thereby.

SECTION 8. All money paid to the county treasurer in pursuance of this act shall be by him credited to the general fund of the county, and all warrants issued by the county auditor in pursuance thereof shall be drawn upon said fund.

SECTION 9. All accounts of costs and fees due to any of the officers named in section one of this act, which remain unpaid for one year, shall by such officer be transferred to the prosecuting attorney for collection, who shall on the first Monday in each month, pay over to the officer for whom the collection is made, all moneys which may have come into his hands; such officer shall give the prosecuting attorney a receipt for the amount paid over and enter a statement of such payment on the books of his office; and execution shall be issued on the precept of such prosecuting attorney to enforce the payment of all such accounts to him transferred for collection. The prosecuting attorney shall report to the officer from whom he may have received any such accounts on the first Monday of each month, a full statement of all accounts still in his hands uncollected. For such services the prosecuting attorney shall, in addition to the salary provided in section one, receive ten per centum on all accounts so collected by him; and where the same is collected by the sheriff on execution issued on the precept of the prosecuting attorney, the sheriff in addition to his salary provided in section one, shall be allowed to retain five per centum of the amount actually paid to him on such execution, and no more; and all sums so received by the sheriff shall be paid by him to the prosecuting attorney, less ten per centum thereof, to be accounted for by the prosecuting attorney as herein provided.

SECTION 10. If any officer mentioned in section one wilfully fail or refuse to perform faithfully and promptly any duty required of him by this act, or knowingly violates any provision thereof, or wilfully makes any false or fraudulent showing in any statement thereby required of him, or in any account book provided for herein, he shall be fined in any sum not more than five thousand dollars, or be imprisoned in the penitentiary not less than one year nor more than five, or both. The penalties herein provided for against said officers shall be in addition to penalties provided by existing statutes; and the fines imposed by this section shall be paid into the county treasury, to the credit of the general fund of the county.

SECTION 11. The official bond required by law heretofore or hereafter taken from any of said officers shall be deemed to make the parties to the same liable for any violation on the part of the officers for whom

they are sureties of any of the provisions of this act, and for the faithful performance of all the duties required hereby.

SECTION 12. Any provision of statute in force when this act takes effect, which conflicts with any provision of this act, shall, to the extent that it is inconsistent with the latter, and not otherwise, be held to be superseded by this act as to said county of Tuscarawas, but other provisions of statute so in force relating to county officers and county affairs shall not be affected by this act.

SECTION 13. This act shall take effect on and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed March 30, 1898.

88L

[House Bill No. 195.]

AN ACT

To relieve Canton township trustees from refunding overdrawn salaries.

WHEREAS, On April 21, 1890 (O. L., vol. 87, page 236), an act was passed by the legislature of the state of Ohio to fix and regulate the compensation of township trustees, and it was provided in said act that "in any township of the state having a population at the last federal census in 1880, and which at any subsequent federal census may have a population of 21,175, and not having a city infirmery therein, the compensation of any trustee of said township, at \$1.50 for each day's services, to not exceed \$250 in one year, to be paid out of the treasury, including services in connection with the poor;" and,

WHEREAS, George Barth, Joseph D. Miller, George W. Oldfield, U. R. Henry, Thomas Bidwell, Thomas J. Miller, Valentine Rebholtz, Henry J. Piero and Joseph Trout were each, at different times, duly elected, qualified and acting trustees of Canton township, Stark county, Ohio; and,

WHEREAS, Said Canton township aforesaid had no city infirmery therein, and had a population at the federal census of 1880 of _____, and during all of the time said parties hereinbefore named served as trustees of said township, said township had a population of 21,175 and more; and,

WHEREAS, Under the provisions of said act of the general assembly, passed April 21, 1890, as aforesaid, said above named parties received as compensation for their services as trustees of said township of Canton, Stark county, Ohio, yearly the sum of \$250; and,

WHEREAS, It is claimed that said act of the legislature is unconstitutional, and there being no question but that the services rendered by said trustees were in fact worth the amount fixed by the said act as the salary therefor; and,

WHEREAS, It is claimed that by reason of the unconstitutionality of said act above named George Barth, Joseph D. Miller, U. R. Henry, Valentine Rebholtz and Henry J. Piero have each received \$300, and Thomas J. Miller and George W. Oldfield each the sum of \$200, and

Thomas J. Bidwell and Joseph Trout each the sum of \$100, which, it is claimed, they were not entitled to by reason of the fact of said act being special in its nature and application; and,

WHEREAS, Said trustees, in fixing their salaries, relied upon said act and law to fix the same, and believed they were entitled to the compensation therein fixed, and that the services rendered by them were in fact worth the amount of said salary and more; now, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That by reason of the facts herein contained, that the said George Barth, Joseph D. Miller, George W. Oldfield, U. R. Henry, Thomas Bidwell, Thomas J. Miller, Valentine Rebholtz, Henry J. Piero and Joseph Trout, and each of them, as trustees of said Canton township, be relieved from the payment or refunding of said several amounts of money hereinbefore named, to said Canton township of Stark county, and that the amounts so drawn by them as salary as aforesaid be and remain as the proper compensation for their said services, and that no refunding of the same be made necessary.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
89L

Passed March 30, 1898.

[House Bill No. 358.]

AN ACT

To amend section 16 of an act entitled "An act to provide for the reorganization of boards of education in the city districts of the second grade of the first class." [89, p. 77.]

[CLEVELAND.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 16 of an act entitled "An act to provide for the reorganization of boards of education in the city districts of the second grade of the first class" (89 O. L., page 77), be amended to read as follows:

Sec. 16. The auditor shall submit to the school council on the second Monday in September in each year, and oftener if required by it, a report of the accounts of the board, verified by his oath, exhibiting the revenues, receipts, disbursements, assets and liabilities of the board, the sources from which the revenues and funds are derived and in what manner the same have been disbursed. Said report, filed on the second Monday in September, shall cover the period of one year ending with the thirty-first day of August next preceding the time of making such report. Said report shall be examined by the corporation counsel together with two suitable persons to be appointed by the court of common pleas on the second Tuesday in September of each year, and the two persons so appointed shall each be allowed and paid out of the contingent fund of the board of education the sum of five dollars per day for the time they are necessarily employed in making said investigation, but said per diem compensation shall not be allowed to either of said

persons for more than thirty days. To aid in their investigation, the persons so appointed with the corporation counsel to examine said report, shall have power, when in their opinion it is necessary, to subpoena witnesses to appear before them at such time and place as is designated. Upon the filing of a precept with the clerk of the court of common pleas he shall issue a subpoena, directed to the sheriff of the county, who shall serve the same and make return according to law; such witnesses may be sworn before any officer authorized to administer oaths and shall thereupon be compelled to answer such questions as are put to them relative to the financial transactions of the board of education. The clerk of the court of common pleas shall certify to all costs arising under these proceedings to the school director, who shall cause the same to be paid in the same manner as now provided by law for the payment of the expenses of the board of education. Said examiners shall deposit said auditor's report and the report of their examination, on or before the fourth Saturday in October, with the school director, who shall cause said examiners' report to be read to the school council at its next regular meeting, and the same shall be published in full in the official proceedings of said meeting, and the school director shall immediately thereafter cause said reports to be published in the annual reports of the board of education. The auditor shall give bond for the faithful discharge of his duties in the sum of twenty thousand (\$20,000) dollars with not less than two sureties, and which shall be approved by the council and filed with the clerk. The auditor shall receive no compensation for his services as auditor, but the council shall provide for the appointment of such assistants for the auditor as it shall deem necessary, and fix their compensation, which shall be paid monthly out of the school funds, but such assistants shall be appointed by the auditor.

SECTION 2. That section 16 of an act entitled "An act to provide for the reorganization of boards of education in city districts of the second grade of the first class" is hereby repealed; and all provisions in law in force when this act takes effect which are inconsistent with any provision of this act, shall be held to be superseded by the latter, as to the matter of inconsistency.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
 ASAHIEL W. JONES,
President of the Senate.
 90L

Passed March 30, 1898.

[House Bill No. 77.]

AN ACT

To provide for the salary and fees of official stenographer for certain counties therein described.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That in Clinton county, the official stenographer heretofore appointed by the court of common pleas, or who may hereafter be appointed for said county, shall hold office for a term of three years from and after the date

of such appointment, and until a successor be appointed and qualified, unless removed by the court for neglect of duty, misconduct or incompetency. Such official stenographer shall receive a salary of six hundred dollars per annum, payable in equal quarterly installments out of the county treasury, which salary shall be in lieu of all per diem fees in the circuit court, common pleas court and probate court, and it shall be the duty of the auditor of said county to issue warrants on the treasurer for the payment of said salary out of the general fund on the first day of January, April, July and October of each year, upon the presentation to him of a certified copy of the journal entry of such appointment of said official stenographer.

SECTION 2. And it shall be the duty of such stenographer, unless waived by the parties, to make, or cause to be made, accurate stenographic notes of the testimony of the witnesses, the charge of the court to the jury, all opinions rendered, and such oral proceedings as the court or parties may direct in all cases actually tried in the circuit, common pleas and probate courts to the court or jury, the shorthand notes so taken to be the property of the county, and carefully preserved in the office of such stenographer. It shall be the duty of such stenographer to make, or cause to be made, at the request of either party, his attorney or the court, an accurate transcript into longhand of the notes so taken in any case, to be paid for forthwith by the party or parties ordering the same; but no transcript of the notes into longhand shall be paid for out of the county treasury in any case, unless such transcript shall be ordered by the judge trying the case, for his own use, and in criminal cases by the prosecuting attorney. Such stenographer shall also, without extra compensation, take from the dictation of the court such shorthand notes as may be required in preparing opinions and charges to the jury.

SECTION 3. Such stenographer shall receive for making such transcript of said notes into longhand eight cents per folio of one hundred words, and when more than one such transcript shall be ordered at the same time, the fee for making such additional transcript shall be one-third the fee allowed for the first copy. And in every felony case, in which there is a conviction, reported in said courts, there shall be taxed for each day's services of such stenographer a fee of seven dollars, to be collected as other costs in the case, and when so collected, to be paid quarterly into the treasury of the county by the clerk of the court.

SECTION 4. Such stenographer shall have an office in the courthouse of the county, and all necessary supplies and stationery for said stenographer's office shall be furnished by the county; and he shall have the power to take and certify depositions in any of the courts of the state, and may be appointed referee to take and report in any of the courts of the state, and in taking such depositions and proofs, shall have power to swear witnesses, and for services under this section shall be entitled to receive ten cents per folio of one hundred words.

SECTION 5. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed March 30, 1898.

[House Bill No. 495.]

AN ACT

To provide for the salary of the official stenographer for certain counties therein described.

[PICKAWAY COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That in all counties having a population of not less than twenty-six thousand and nine hundred, nor more than twenty-six thousand nine hundred and seventy-five, by the federal census of 1890, the official stenographer heretofore appointed by the court of common pleas or who may hereafter be appointed for such county, shall hold office for a term of three years from and after the date of such appointment, and until a successor be appointed and qualified, unless removed by the court for neglect of duty, misconduct or incompetency. Such official stenographer shall receive a salary of six hundred dollars (\$600) per annum, payable in equal monthly installments, out of the county treasury, which salary shall be in lieu of all per diem fees in the circuit, common pleas and probate courts; and it shall be the duty of the auditor of such counties to issue warrants on the treasurer for the payment of said salary out of the general fund on the first day of each month.

SECTION 2. And it shall be the duty of such stenographer, unless waived by the parties, to make, or cause to be made, accurate stenographic notes of the testimony of the witnesses, the charge of the court to the jury, all opinions rendered, and all such oral proceedings as the court or parties may direct in all cases actually tried in the circuit, common pleas and probate courts, the shorthand notes so taken to be the property of the county, and carefully preserved in the office of such stenographer. It shall also be the duty of such stenographer to make, or cause to be made, at the request of either party, his attorney or the court, an accurate transcript into longhand of the notes so taken in any case to be paid for forthwith by the party or parties ordering the same; but no transcript of the notes into longhand shall be paid for out of the county treasury in any case unless such transcript shall be ordered by the judge trying the case for his own use, and in criminal cases by the prosecuting attorney, the defendant or the court. Such stenographer shall also, without extra compensation, take from the dictation of the court such shorthand notes as may be required in preparing opinions and charges to juries, and furnish transcripts of the same when requested by the court.

SECTION 3. Such stenographer shall receive for making such transcripts of said notes into longhand, except the opinions and charges of the court (unless made a part of the record), five cents per folio of one hundred words, and when more than one such transcript shall be ordered at the same time, the fee for making each additional transcript shall be one-half the fee allowed for the first copy. And in every case reported in said courts there shall be taxed for each day's service of such stenographer a fee of three (\$3) dollars, to be collected as other costs in the case, and when so collected, to be paid quarterly into the treasury of the county by the clerk of the court.

SECTION 4. Such stenographer shall have an office in the court-house of the county, and shall be furnished by the county with the necessary stationery and supplies, and shall have the power to take and certify depositions in any of the courts in this state, and may be appointed referee to take and report proof in any of the courts of this state, and in taking such depositions and proofs, shall have power to swear witnesses, and for services under this section shall be entitled to receive ten cents per folio of one hundred words.

SECTION 5. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
92L

Passed March 30, 1898.

[Senate Bill No. 184.]

AN ACT

Authorizing the council of the village of Logan, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of Logan, Hocking county, Ohio, be and the same is hereby authorized to transfer three thousand two hundred dollars (\$3,200) from the surface drainage fund to the water-works fund; five hundred dollars (\$500) from the surface drainage fund to the current expense fund; five hundred dollars (\$500) from the sanitary sewer fund to the marshal and police fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
93L

Passed April 5, 1898.

[House Bill No. 401.]

AN ACT

To authorize the city of Massillon to issue bonds for the purpose of assisting in the establishment of free public libraries and to levy a tax for the payment of said bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in the city of Massillon, in Stark county, Ohio, and in which city there has been donated and conveyed to a public library association, not organized for profit, and which is to be free to all the inhabitants of said city, a site and building suitable for the uses of such free public library, and which is in need of alterations, additions and furnishing to more fully adapt it for the purpose of such public library, the city council

of said city shall be and it is hereby authorized and directed to issue its bonds in the sum of four thousand (\$4,000) dollars, which bonds shall be in denominations of not less than five hundred (\$500) dollars and not more than one thousand (\$1,000) dollars, bearing interest at a rate not to exceed six per cent. per annum, payable annually, and to be designated as public library bonds, and to be signed by the mayor and countersigned by the city clerk of said city; said bonds to be payable at such time or times not exceeding eight years from their respective dates, as said city council may determine, which said bonds shall be sold for less than their par value, and to be sold without commission.

SECTION 2. That for the purpose of paying said bonds and interest thereon, as the same shall become due, said city council is hereby authorized and required to levy on all the taxable property of said city a tax for such an amount annually, not exceeding two-tenths (2-10) mill, which levy shall be placed on the duplicate by the auditor of said county and collected as other taxes.

SECTION 3. The proceeds of the sale of said bonds shall, upon presentation of a certificate of the city clerk, be paid by the city treasurer to the treasurer of said free public library association, to be by the trustees of said association expended only in remodeling, repairing, furnishing and adapting such building and site, donated as aforesaid, to the uses of such public library.

SECTION 4. The trustees of said library shall render to the county an itemized statement of the expenditures of said fund, and shall return to the city treasurer the unused portion thereof, if any there be, the same to be by him applied upon the interest and principal of said bonds.

SECTION 5. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives

ASAHEL W. JONES,
President of the Senate

Passed April 5, 1898.

94L

[House Bill No. 506.]

AN ACT

To reimburse Jas. D. Corwine, John M. Vulgamore, George W. Baker, Wm. M. McCormick, Jacob Leist, Jacob Butler, Wesley Legg, John C. Washburn and James Emmitt, late treasurer of Pike county, Ohio, for the same.

WHEREAS, George W. Legg was the duly elected and qualified treasurer of Pike county, Ohio, for four years preceding the first Monday of September, A. D. 1896; and,

WHEREAS, Wm. Holton, deceased, Ezekiel East, Wm. V. McCormick, Wesley Legg, John C. Washburn, Jacob Butler, Jacob Leist, James Emmitt, deceased, Jas. D. Corwine, John M. Vulgamore, George W. Baker, Andrew J. Dieterich, deceased, Amos Corns, Henry Givens, Wm. F. Anderson and Almond Bayhan were sureties on the official bond of said George W. Legg; and,

WHEREAS, Said James Emmitt, William Holton and Andrew J. Dietrich are now deceased and their estates are insolvent; and,

WHEREAS, Said Ezekiel East, Amos Corns, Henry Givens, William F. Anderson and Almond Bayhan were insolvent; and,

WHEREAS, Said George W. Legg, as such treasurer, was short in his accounts and a defaulter as such treasurer at the expiration of his terms of office; and,

WHEREAS, Said Jas. D. Corwine, George W. Baker, John M. Vulgamore, Wm. V. McCoy, Wesley Legg, Jacob Leist, Jacob Butler, John C. Washburn and James Emmitt's estate were compelled to and did pay the sums of \$1,869.44, \$1,869.44, \$1,869.44, \$1,422.64, \$487.92, \$487.92, \$487.92, \$487.92 and \$128.40, respectively, or a total sum of \$9,112.04; and,

WHEREAS, A large number of the taxpayers and electors of Pike county, Ohio, have petitioned this general assembly for the relief and reimbursement of said James D. Corwine, George W. Baker, John M. Vulgamore, Wm. V. McCoy, Wesley Legg, Jacob Leist, Jacob Butler, John C. Washburn and James Emmitt's estate; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of county commissioners of Pike county, Ohio, be and they are hereby directed to authorize the payment of the following sums of money, out of the county fund, to the following persons, said surety aforesaid, to wit: James D. Corwine, \$1,869.44; George W. Baker, \$1,869.44; John M. Vulgamore, \$1,869.44; Wm. V. McCoy, \$1,422.64; Wesley Legg, \$487.92; Jacob Leist, \$487.92; Jacob Butler, \$487.92; John C. Washburn, \$487.92, and James Emmitt's estate, \$128.40, and in the manner following, to wit: That said board direct the auditor of said county to issue to each of said above named persons his warrant on the county treasurer of said county for their respective parts thereof, to wit: One-sixth thereof payable on the first Monday of July, A. D. 1898, and one-sixth thereof on the first Monday of January, 1899, and one-sixth thereof on the first Monday of July, A. D. 1899, and one-sixth thereof on the first Monday of January, A. D. 1900, and one-sixth thereof on the first Monday of July, A. D. 1900, and one-sixth thereof on the first Monday of January, A. D. 1901; that the same shall be referred to the vote of the people for their ratification at the next regular election.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 5, 1898.

95L

[House Bill No. 280.]

AN ACT

To create a special school district in Perry township, Brown county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That the following territory in Perry township, Brown county, Ohio, be and the same is hereby created and declared to be a special school district to be known as the "Glady special school district," to wit: Being in Perry township, Brown county, Ohio, and lying and being within the boundaries of sub-school district No. 8 in said township, and co-extensive with the boundaries of said sub-school district No. 8, as the same existed prior to the alteration thereof in December, 1897.

SECTION 2. All the school property situate within said described territory shall belong to and be the property of said special school district; and said district shall be entitled to receive the proportionate share of the school funds and funds levied for incidental expenses in accordance with the last enumeration of children of school age, and such special school district shall be governed by such laws as are now, or may hereafter be in force relating to special school districts.

SECTION 3. This act shall take effect and be in force from and after its passage, but not to operate against any existing contracts pertaining to the school now in session in said territory, but such existing contracts shall be executed according to the terms thereof.

HARRY C. MASON,

Speaker of the House of Representatives

ASAHIEL W. JONES,

President of the Senate

Passed April 5, 1898.

96L

[House Bill No. 714.]

AN ACT

To authorize cities of the first grade of the second class to issue and sell bonds to raise money for the purpose of constructing, extending and strengthening levees and embankments along the streams or rivers passing through, along or adjacent to the corporate limits of such cities, paying for property necessarily be condemned therefor and for the purpose of widening and deepening the channels of such rivers or streams to protect the inhabitants of such cities from floods.

[COLUMBUS.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That cities of the first grade of the second class are hereby authorized and empowered to issue and sell bonds in the sum of one hundred and fifty thousand (\$150,000) dollars, and to use the proceeds of such bonds in constructing, extending and strengthening levees and embankments along the streams or rivers passing through, along or adjacent to the corporate limits of such cities, paying for property necessary to be condemned therefor, and in widening and deepening the channel of such streams or rivers for the purpose of protecting the inhabitants of such cities from flood.

SECTION 2. That such bonds shall be issued by the councils of such cities, upon the recommendation of the board of public works, in such amounts and at such times as said board shall deem necessary, and shall bear interest at such rate per cent. per annum, payable semi-annually, not exceeding five per cent., as such councils may determine. Such bonds shall be designated "levee bonds" and shall be of the denomination of one thousand (\$1,000) dollars each, and shall be payable in twenty years from the date of issue.

SECTION 3. That for the purpose of paying the principal and interest of such bonds, said councils are hereby authorized to and shall levy annually, upon all the taxable property in such cities, a tax sufficient in rate and amount to pay interest on, and to provide a sinking fund for, the payment of such bonds at maturity; said tax may be additional in rate and amount to all other taxes authorized to be levied by such cities for any and all other purposes.

SECTION 4. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 5, 1898.

97L

[House Bill No. 719.]

AN ACT

To authorize cities of the second grade of the second class to issue and sell levee and storm-water sewer bonds.

[DAYTON.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of city affairs of any city of the second grade of the second class, is hereby authorized to issue and sell the bonds of such city in any sum not exceeding one hundred and fifty thousand (\$150,000) dollars, for the purpose of extending, constructing, straightening, heightening, improving and repairing levees and embankments either within or without such city, upon and along the banks of rivers or streams flowing through or by such city, to protect such city, its citizens and their property from overflow and from damage by such rivers or streams, and for the purpose of acquiring lands and materials therefor.

SECTION 2. That the board of city affairs of any city of the second grade of the second class is hereby authorized and empowered to issue and sell the bonds of such city, in any sum not exceeding fifty thousand (\$50,000) dollars, for the purpose of constructing, extending and strengthening and repairing the outlets of such sewers, and for providing and placing in position in the outlets or mouths of storm-water sewers of such cities, appliances, valves or gates, to prevent water from rivers or streams flowing through such city, from entering storm-water sewers in times of freshets.

SECTION 3. That the bonds provided in section 1 hereof shall be entitled "levee bonds," and the bonds provided for in section 2, hereof,

shall be entitled "storm-water sewer bonds." The bonds authorized by this act shall run for such length of time not exceeding thirty (30) years, shall bear such rate of interest not exceeding five per cent. per annum, payable semi-annually, as such board of city affairs shall determine, and interest coupons may be attached. Such bonds shall be signed by the president of the board of city affairs, and by the city comptroller of such city, and be sealed with his seal of office, and shall be in denominations of one thousand (\$1000) dollars each, shall bear upon their face a reference to this act, and shall be sold in the manner provided by law for the sale of bonds of municipal corporations. Such board of city affairs may borrow money, for the purposes aforesaid, in anticipation of the sale of such bonds, at a rate of interest not exceeding six per cent. per annum, and any money so borrowed shall be repaid from the proceeds of such bonds immediately after their sale.

SECTION 4. That for the purpose of paying the principal and interest of any bonds which may be issued and sold under this act, the authorities of such city are hereby authorized and empowered to levy and collect each year upon the tax duplicate of such city, until all bonds that may be issued hereunder are paid, a tax, not exceeding five-tenths of one cent, on each dollar of valuation of taxable property in such city in addition to all other taxes now or which may hereafter be authorized by law.

SECTION 5. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,

Speaker of the House of Representatives

ASAHEL W. JONES,

President of the Senate

98L

Passed April 5, 1898.

[Senate Bill No. 251.]

AN ACT

To authorize cities of the second grade of the first class to borrow money and issue bonds to provide for the construction and repair of main sewers.

[CLEVELAND.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That cities of the second grade of the first class be and the same are hereby authorized, in addition to any sums heretofore authorized, to borrow money in such sum or sums, and at such time or times as the council may deem best, not to exceed the sum of one million dollars, at a rate of interest not to exceed five (5) per centum per annum, payable semi-annually, for the purpose of constructing main sewers, (which designation shall include trunk or intercepting sewers, so-called), and for the purpose of providing a fund for the payment of that part of the cost and expense of the construction of such main sewers as the council may apportion to be paid by the city at large, in accordance with an act passed April 16, 1889, 80 O. L., 143, entitled "An act to provide for the construction and repair of sewers in cities of the second grade of the first class," as amended April 16, 1896. Any such city is hereby authorized to issue its bonds, in addition to any bonds heretofore authorized, and

to exceed the sum of one million dollars, as the council may from time to time direct, and payable at such time or times, not exceeding thirty (30) years from their date, as the council may determine. Such bonds shall in all other respects conform to the requirements of chapter 2, division 9, title 12, of the Revised Statutes of the state of Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
99L

Passed April 5, 1898.

[House Bill No. 732.]

AN ACT

Authorizing the issue of bonds, by cities of the first grade of the first class, for the relief of suffering caused by disaster by flood.

[CINCINNATI.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in cities of the first grade of the first class the board of legislation is hereby authorized to issue bonds, not exceeding twenty-five thousand dollars (\$25,000) in amount, the proceeds of the sale of which shall be applied to the relief of such persons, who may be bona fide residents of such city, as shall be found to be suffering by need of shelter, food, fuel or clothing on account of inundation of their places of abode, or deprivation of their methods of earning same by means of inundation or flood. Said bonds shall be signed by the mayor of such city and attested by the auditor. They shall bear such rate of interest, not exceeding four per cent. and be payable at such time as may be determined by said board of legislation. They shall be secured by the pledge of the faith of the city and a tax which it shall be the duty of the board of legislation of such city to annually levy upon all the taxable property of such city, and which shall be certified to the county auditor, upon a certificate to that effect from the city auditor, as to the amount necessary, to pay the interest thereon and provide a sinking fund for the final redemption of said bonds. And said tax shall be in addition to that now authorized by law.

SECTION 2. The mayor and auditor of such city shall receive bids for said bonds, after advertising the same for sale once a week for four consecutive weeks in some newspaper of general circulation published in such city and shall sell the same for not less than the par value thereof, with accrued interest, to the highest bidder. The money arising from the sale of such bonds shall be placed in a fund to be called "relief fund." A careful account of the condition of said fund shall be kept by the city auditor of such city, and the same shall be used for no other purpose than that herein designated.

SECTION 3. The board of legislation of such city shall have power to dispose, through such means as it may designate, of the relief, in form of shelter, food, fuel, clothing or money among such sufferers by flood or inundation.

SECTION 4. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives
ASAHEL W. JONES,
President of the Senate

Passed April 5, 1898.

100L

[Senate Bill No. 325.]

AN ACT

Conferring authority upon certain county commissioners to increase or decrease the number of election precincts in certain townships.

[HOWLAND TOWNSHIP, TRUMBULL COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That the board of county commissioners of any county which, by the last federal census, had no greater a population than 42,374, and no less a population than 42,372, be, and it is hereby authorized and empowered upon proof submitted to it, in public session, that it is conducive to public convenience and welfare, reduce, or increase the number of election precincts in any township of said county, where the population according to the federal census of 1890, was not greater than 772 and not less than 770.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives
ASAHEL W. JONES,
President of the Senate

Passed April 5, 1898.

101L

[House Bill No. 454.]

AN ACT

To authorize the commissioners of Monroe county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That the county commissioners of Monroe county, Ohio, are hereby authorized to transfer the sum of seven thousand (\$7,000) dollars from the building fund; three thousand (\$3,000) dollars from the special road fund; one thousand (\$1,000) dollars from the dog tax fund; one thousand (\$1,000) dollars from the election expense fund; and one thousand (\$1,000) dollars from the children's home fund. Said sums of money to be transferred to the expense fund of said county.

SECTION 2. This act to take effect from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives
ASAHEL W. JONES,
President of the Senate

Passed April 7, 1898.

102L

[House Bill No. 426.]

AN ACT

To provide for the payment of expenses of the sheriff of Miami county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 9 of an "Act relating to the duties and compensation of certain county officers and their assistants in Miami county," passed April 21, 1896, page 567, O. L., be amended so as to read as follows:

Sec. 9. The sheriff shall be allowed to retain for his own use whatever money he may receive under any contract with the county commissioners for keeping and providing for prisoners in the county jail; but in making such contract the commissioners shall specify in general terms, the manner in which the prisoners shall be kept and provided for, and shall see that the terms of the contract are fully complied with, and that the sheriff shall, at the end of each calendar month, file with the commissioners of the county, an itemized statement of all moneys by him and his deputies expended in and about the service and execution of the writs and orders of the courts, which statements shall be sworn to by him and approved by the county commissioners, and when so approved, an order shall be drawn upon the treasurer, payable to the sheriff for the sum by him and his deputies so expended.

SECTION 2. That section 9 of an act relating to the duties and compensation of certain county officers and their assistants in Miami county, passed April 21, 1896, page 567, O. L., be and the same is hereby repealed.

SECTION 3. This act shall be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 7, 1898.

103L

[House Bill No. 301.]

AN ACT

To detach certain lands lying and being within the corporate limits of the city of Lancaster, in Lancaster township, Fairfield county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That a part of the north half of section number seven (7), of range number eighteen (18), in Lancaster township, Fairfield county, Ohio, and bounded as follows: Beginning at a stone on the present corporation line at the southwest corner of the T. H. White lands; thence north 18.11 chains; thence west 3.00 chains; thence north $52\frac{1}{2}^{\circ}$ west 2.33 chains to the east line of the L. and H. railway company's land; thence north 11° west 8.61 chains to the tow-path of the Hocking valley canal; thence with the said tow-path north 86° east 37.65 chains; thence north $78\frac{1}{2}^{\circ}$ east 1.00 chains to the line between the lands of T. H. White and A. Eversole; thence with the said line south $22\frac{1}{2}^{\circ}$ west 14.50 chains; thence south $19\frac{1}{2}^{\circ}$ west 15.75 chains to the present south boundary line of the corpora-

tion of Lancaster, Ohio; thence west with said boundary 18.50 chains to the place of beginning; be and the same hereby is detached from the township and city of Lancaster, and attached to the township of Berne in said county of Fairfield, to which the same formerly belonged, and be made a part of said Berne township.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives

ASAHEL W. JONES,
President of the Senate
104L

Passed April 7, 1898.

[House Bill No. 733.]

AN ACT

To authorize the council of the city of Chillicothe, Ohio, to levy additional tax for the purpose of erecting levees and to issue bonds in anticipation of the collection of such tax.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That authority is hereby given to the city of Chillicothe, to erect a levee or levees and piling along the Scioto river bank within the corporate limits of said city, to protect the river front of said city from damage by extraordinary floods, and in order to pay the expenses of erecting such levee or levees, and piling, the city council of said city is authorized to levy upon the grand duplicate of all the property real and personal therein a tax of not exceeding two-tenths of one mill, each year, for a period of not exceeding two years, in addition to the other taxes now authorized by law; and to issue bonds not exceeding the amount of said levies in anticipation of the collection of the same.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives

ASAHEL W. JONES,
President of the Senate
105L

Passed April 7, 1898.

[House Bill No. 448.]

AN ACT

To provide for the diversion or changing of a brook, stream, or non-navigable water course within cities of the second grade of the first class, and to provide a full and complete system of drainage, and to make assessments, and raise a tax to pay the expense thereof.

[CLEVELAND.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That any city of the second grade of the first class be and it is hereby authorized to divert or change the course of any brook, stream, or non-

navigable watercourse within such city which shall be found by the council of such city to be dangerous to the inhabitants of such city, and a menace to the public health; and it is further authorized and empowered to construct pipes and drains through any of the streets or highways of such city, for the purpose of conveying and carrying away and disposing of the water and other accumulations from such brook, stream or non-navigable watercourse.

SECTION 2. The council of any such city is hereby authorized and empowered to apportion the cost and expense thereof equitably between the property directly or indirectly benefited thereby and the city at large; and is further authorized to assess that portion of the cost and expenses apportioned to the property benefited directly or indirectly thereby on the lands abutting, adjacent or contiguous to the channel of the brook, stream, or non-navigable watercourse prior to its diversion or change, and on the other benefited lots and lands in the corporation, either in proportion to the benefits which will result from the improvement, or according to the value of the property assessed, as the council by ordinance designating the territory to be assessed may determine before the improvement is made; and in the manner and subject to the restrictions contained in sections 2263 and 2264a of the Revised Statute of Ohio. That for the purpose of providing a fund for the payment of the part so apportioned to be paid by the city at large of the expenses and obligations that may be incurred in the exercise of the authority and power conferred by this act, any such city is hereby authorized to borrow not to exceed fifty thousand dollars (\$50,000), at a rate of interest not to exceed five (5) per cent. per annum, payable semi-annually, and to issue and sell its bonds for the amount of such loan, in such denominations, and payable at such time or times, not to exceed twenty (20) years from their date, as the council may determine. Such bonds, except as provided in the foregoing, shall, in all respects, conform to the requirements of chapter 2, division 9, title 12, of the Revised Statutes of Ohio.

SECTION 3. For the purpose of paying the interest on said bonds and to provide a fund for the payment of the principal of said bonds at maturity, said council shall, in addition to the other levies authorized by law, levy annually, a sufficient tax therefor on the property subject to taxation in such city, and such taxes shall be levied and collected in the same manner as other taxes.

SECTION 4. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 7, 1898.

106L

[House Bill No. 413.]

AN ACT

To authorize the probate judge of Darke county, Ohio, to correct the marriage record of Charles S. Allen and Phebe Allen, nee Thomas.

WHEREAS, One Charles S. Allen and Phebe Thomas were legally married on the 21st day of December, A. D. 1845, by A. L. Northup, a justice of the peace of said county and state, by authority of a license duly issued by John Beers, then clerk of the common pleas court of said county; and,

WHEREAS, Said license has become lost and the only record of marriage is the following entry made upon the marriage record of common pleas court, now in the probate court of said county, in which record the name of said Phebe Thomas appears as Larly Thomas, to wit: "Mr. Charles S. Allen and Larly Thomas were legally married on the 21st day of December, A. D. 1845, by A. L. Northup, J. C. and said parties desire said record corrected; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That the probate judge of Darke county, Ohio, be and he is hereby authorized, upon its being shown by testimony that a license had been issued to said Charles S. Allen and Phebe Thomas and that said marriage record ought to be corrected to conform to the facts, to correct said record by striking out the word Larly and inserting in lieu thereof the word Phebe.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives
THADDEUS E. CROMLEY,
President pro tem. of the Senate

Passed April 8, 1898.

107L

[House Bill No. 40.]

AN ACT

To authorize the commissioners of Pike county to build a certain road.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That the commissioners of Pike county hereby are authorized, when in their judgment the best interest requires, and the resident landowners along the route of road hereinafter named, shall secure to the county the rights of way, and all the earth, gravel and stone, necessary to the construction of said road, free of costs and expense to the county, to construct a free turnpike, and for such purpose they are authorized to employ at a reasonable compensation a competent engineer or superintendent to superintend the building of the same and along the following route: Beginning in the Latham and Sinkingsprings free turnpike at a point about one mile west of the village of Byington, where the Sunfish road leaves said pike; thence running a westerly course with said Sunfish road as near as practicable to a point a short distance west of the farm house

on land owned by C. Leighton, M. D.; thence running a northwesterly course through the lands of C. Leighton, M. D., Nancy Foulk, Isaac Foulk and Daniel Butler and as near the Sunfish creek as practicable to the Highland county line.

SECTION 2. That for the purpose of building said road and to obtain the money therefor, the commissioners shall have the right, when they have determined to build said road, to issue the bonds of said county and in such denominations as may be best, but not in denominations less than one hundred dollars, payable at such dates and times as the commissioners may deem best, to bear interest at a rate not greater than six per cent., and which bonds shall be sold according to law.

SECTION 3. That to pay said bonds and the interest thereon, as the same may become due, said board of commissioners are hereby authorized to levy a tax not to exceed one mill on the dollar, annually, of [on] the taxable property of said county.

SECTION 4. That in performing the duties required of the commissioners under this act, all duties not herein expressly set forth, shall be governed by the general laws of the state regulating the building of free turnpikes.

SECTION 5. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed April 8, 1898.

108L

[House Bill No. 407.]

AN ACT

To authorize the village council of the village of Freeport, Wood county, Ohio, to increase the annual tax levy.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village council of the said village of Freeport, Wood county, Ohio, be and is hereby authorized to levy a tax for the year 1898, and annually thereafter, on all the taxable property within said village, not exceeding four mills on the dollar, for each year, in addition to the levy now authorized by law, the same to be collected as other taxes, for the purposes of furnishing electric lights in and for said village of Freeport.

SECTION 2. That this act shall take effect on and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed April 8, 1898.

109L

[House Bill No. 534.]

AN ACT

To authorize the commissioners of Pickaway county, Ohio, to construct and maintain a foot walk in connection with the bridge across Deer creek in Pickaway county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That the county commissioners of Pickaway county, Ohio, be and they are hereby authorized and empowered to construct and maintain a foot walk in connection with the bridge across Deer creek near the village of Williamsport along the line of the Circleville and Washington turnpike.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives
THADDEUS E. CROMLEY,
President pro tem. of the Senate

Passed April 8, 1898.

110L

[House Bill No. 290.]

AN ACT

To authorize the commissioners of Adams county, Ohio, to construct a bridge, and the approaches thereto, across Brush creek, between Greene and Monticello townships, and adjoining the termini of the Brush creek and Manchester turnpike, and the Brush creek and Rome turnpike.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That the county commissioners of Adams county, Ohio, be and they are hereby authorized and empowered to construct a bridge across Old Brush creek, near its mouth, together with the necessary approaches thereto, connecting the Rome and Brush creek, and Wrightsville and Brush creek free turnpike roads, provided the same can be done at a reasonable cost.

SECTION 2. For the purpose of raising money to defray the expense of constructing such bridge with the necessary approaches thereto, said commissioners are hereby authorized and empowered to use so much of the Wilson worthy poor fund as may be necessary, not exceeding \$10,000, and to issue to said fund the bonds of said county bearing interest at the rate of not to exceed six per cent. per annum, and payable semi-annually, and said commissioners are further authorized and empowered to levy a tax on all the property on the tax duplicate of said county to pay said obligations and interest as it accrues.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives
THADDEUS E. CROMLEY,
President pro tem. of the Senate

Passed April 8, 1898.

111L

[House Bill No. 236.]

AN ACT

To provide an official stenographer for certain counties therein described.

[LORAIN COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in all counties having a population of not less than 40,250, nor more than 40,350, by the federal census of 1890, or which at any subsequent federal census may have such population, the court of common pleas may appoint one official stenographer for such county, who shall hold such office for a term of three years from and after the date of said appointment, and until a successor is appointed and qualified, unless sooner removed by the court of common pleas for neglect of duty, misconduct or incompetency. Such official stenographer shall take an oath to faithfully discharge the duties of said office, and shall receive a salary not to exceed one thousand dollars per annum, to be fixed by the court making the appointment, payable in equal monthly installments, out of the county treasury, which salary shall be in lieu of all per diem fees in the circuit court, court of common pleas and probate court; and it shall be the duty of the auditor of such counties to issue warrants on the treasurer for the payment of said salary out of the general fund, upon presentation to him of a certified copy of the journal entry of the appointment of such official stenographer.

SECTION 2. It shall be the duty of such stenographer, unless the same be waived by the parties and the court, to make or cause to be made accurate stenographic notes of the testimony of the witnesses, the charge of the court to the jury, the rulings of the court in the course of the trial or hearing and all opinions rendered by the court, and all such other oral proceedings as the court or the parties may direct. In all cases or proceedings held or tried in the circuit court, court of common pleas or probate court, such stenographic notes so taken shall be the property of the county, and shall be carefully preserved in the office of such stenographer; provided that if the sessions of the above courts at any time are holden on the same day, said stenographer shall give preference to the court of common pleas, unless excused by the judge thereof. It shall also be the duty of such stenographer to make or cause to be made, at the request of either party or his attorney, or the court, an accurate transcript into longhand of the notes so taken in any case or proceeding, or such portion thereof as may be requested, to be paid for forthwith by the party ordering the same, but no such transcript of the notes in longhand shall be paid for out of the treasury in any case, unless such transcript shall be ordered by the judge or judges trying the case, for his or their own use, and except in criminal cases when requested by the prosecuting attorney, in which latter case, before said transcript shall be paid for out of the county treasury, the bill therefor shall be approved by the court before whom said case was heard or tried. All such transcripts ordered by the judge or judges trying the case, and by the prosecuting attorney in criminal cases, shall be paid for out of the county treasury, and the clerk of the court shall certify the amount of such transcript, which certificate shall be a sufficient voucher to the auditor of the county, upon which he shall draw his warrant upon the

county treasurer, and when so paid, such fees shall be taxed and collected as other costs in the case. Such stenographer shall without extra compensation also take down from the dictation of the judge such shorthand notes as may be required by the judge in preparing opinions or charges to juries, and transcribe the same into longhand.

SECTION 3. Such stenographer shall receive, for making such transcripts of said notes in longhand, eight cents per folio of one hundred words, and when more than one such transcript shall be ordered at the same time, the fee for making each additional transcript shall be one third the fee allowed for the first copy, and when two or more transcripts are so ordered by the parties, the total cost thereof shall be equally divided between the parties so ordering them. And in every case where such stenographic notes are taken, there shall be taxed for each day's service of such stenographer a fee of four dollars, to be collected as other costs in the case, and when so collected, to be paid quarterly into the treasury of the county, by the clerk of the court.

SECTION 4. The commissioners shall provide said stenographer with an office in the court-house of the county, and shall also provide the necessary stationery for the use of said stenographer, and such stenographer shall also have power to take and certify depositions in any of the courts of said state, and take and certify depositions in any other county in actions pending in said counties, and may be appointed a referee to take and report evidence in cases pending in any of the courts of the state, and in taking such depositions or evidence shall have power to swear witnesses, and shall receive the same fees for such services as other officers authorized to take depositions in this state.

SECTION 5. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives

THADDEUS E. CROMLEY,
President pro tem. of the Senate

Passed April 8, 1898.

112L

[Senate Bill No. 181.]

AN ACT

For the relief of William B. Hochstetler, treasurer of Tuscarawas county.

WHEREAS, On the 10th day of February, A. D. 1896, the City bank of New Philadelphia, Tuscarawas county, Ohio, failed in a large sum and made an assignment for the benefit of its creditors; and,

WHEREAS, William B. Hochstetler, treasurer of said county, and as such treasurer, immediately prior thereto, delivered to said bank for collection certain drafts and checks which he had received for taxes amounting to \$3,450.09; and,

WHEREAS, Said bank became insolvent, and made an assignment for the benefit of its creditors after having collected the said drafts and checks and before the same were paid to said treasurer; that no part of the same ever came into the treasury of said county; therefore,

SECTION 1. - *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Tuscarawas county are hereby authorized to settle with said William B. Hochstetler for all moneys belonging to the county for county, school, road, bridge, building and all other purposes, and to credit him with the amount of money aforesaid and discharge him and his sureties for [from] all liabilities on account of any deficiency caused by said insolvency and assignment.

SECTION 2. The several township authorities, the authorities of municipal corporations and boards of education within said county of Tuscarawas, are hereby authorized in like manner to release and discharge the said William B. Hochstetler and his sureties from all liability on account of moneys so lost for the various township, corporation and educational purposes.

SECTION 3. The assignee of said bank is hereby authorized and directed to pay into the treasury of said county all dividends that may hereafter be allowed in favor of his said claim from the assets of said bank. And the said treasurer is hereby directed to pay into the treasury of said county all funds obtained by him from collaterals now in his hands received from said bank.

SECTION 4. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 12, 1898.

113L

[Senate Bill No. 301.]

AN ACT

To authorize the trustees of any township in Paulding county, Ohio, to levy a tax to improve public highways in such townships, and to repeal an act passed April 24, 1896 (O. L., vol. 92, page 638).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of any townships in Paulding county, Ohio, be and are hereby authorized to levy and assess upon the taxable property of the respective townships of said county, a tax not exceeding five mills in one year, upon the dollar valuation of the taxable property of such townships in addition to other taxes authorized by law, for the purpose of improving by macadamizing and graveling public highways in such townships, as may be deemed expedient or necessary by the board of trustees of such townships, and for no other purpose.

SECTION 2. That the taxes authorized to be levied shall be placed by the county auditor upon the taxable property of the township and collected by the county treasurer as other taxes, and when collected shall be paid to the township treasurer of the township, from which the same was collected, and be under control of the township trustees thereof, for the purpose of improving by macadamizing and graveling the public highways of such township.

SECTION 3. The board of trustees shall, upon the levy being made, designate the road or roads to be improved, which shall be, first, the main and leading road or roads of the township, for the construction of which the largest amount of gratuitous donation in hauling or cash or both have been proposed by responsible public subscription. The board of trustees after having determined which road or roads are to be improved, shall examine such road or roads and ascertain if the proposed road or roads are sufficiently graded and drained, and if such be not the case they may take to their assistance a competent surveyor or engineer, whose duty it shall be to make, under the direction of the board of trustees, a survey and level of the road or roads as selected, fix the grade of the road or roads and the grade and capacity of the drains on the sides thereof. The trustees shall cause to be constructed all necessary culverts on such road or roads, fix the width of the gravelled or macadamized track, not less than nine feet nor more than sixteen feet, and the depth thereof not less than eight inches nor more than twelve inches in the center, and the slope from the center to the sides. The trustees may consolidate the road district through which any such proposed road improvement passes, and direct the supervisors of such road district to work the two days' labor in such district, in hauling the material, such as crushed stone or gravel upon such road. The work of hauling the material upon the road in such road district shall be under the supervision of the supervisor of such district, but be performed in such manner as shall be prescribed by the trustees.

SECTION 4. A majority of the board of trustees shall be necessary to order the said road improvement, and the work of the construction and the furnishing of the material for such road improvement shall be publicly let, excepting such work as may be done by the supervisor of the road district as herein provided. The contracts for material to be used in the construction of said road improvement and the contract for hauling said material upon the roads shall be let separately.

SECTION 5. The trustees after having given public notice of the time and place of such letting, for at least two weeks, in a newspaper of general circulation in the township or county, or by hand bills, or both, at the discretion of the board of trustees, specifying the kind and quality of the material, and the part of the road upon which the same is to be used, shall let the same to the lowest bidder, who shall give bond to the acceptance of the trustees. The bids for the material and for the work of hauling the same shall be separately stated, and the trustees may reject any or all bids. The trustees shall examine and accept the work when completed, and ascertain the amount of material furnished under the provisions of this act, and if found in all respects correct, shall draw an order for the amount due for work, or for material furnished, upon the township treasurer, which shall be countersigned by the township clerk.

SECTION 6. The board of trustees may appoint one of their number or some other suitable person, who shall oversee the work, and for services rendered under the provisions of this act, they shall be entitled to receive, for each day actually employed, the sum of one dollar and fifty cents per day, and the trustees shall provide for the township clerk a suitable book in which there shall be kept a complete record of the business transacted under the provisions of this act, and it is hereby

made his duty to keep a full and complete record of the action of the board of trustees, under this act, and the township clerk, for making said record, shall be entitled to receive ten cents per hundred words, and for all other services, such reasonable compensation as may be allowed by the board of trustees.

SECTION 7. The fees of the township officers, the engineer, and the person who may be appointed by the board of trustees under the provisions of this act, shall be paid out of the township road fund. But before any payments shall be made for services rendered under the provisions of this act, the person entitled thereto shall make out and file with the township clerk an itemized account of his services, whereupon the trustees shall, if they find the same correct, draw an order on the township treasurer, countersigned by the township clerk.

SECTION 8. The roads graveled or macadamized under the provisions of this act shall be free to the public travel and shall be kept in repair by the trustees, out of the funds that come into the township treasury from the county treasurer, as provided for in section one thousand four hundred and fifty-nine (1459) of the Revised Statutes of Ohio.

SECTION 9. This act shall take effect from and after its passage.

HARRY C. MASON,

Speaker of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed April 12, 1898.

114L

[House Bill No. 430.]

AN ACT

To create a special school district in German township, Montgomery county, Ohio

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following territory in German township, Montgomery county, Ohio, be and the same is hereby created and declared to be a special school district, to be known as the "Swartzel special school district," to wit: Beginning at the northeast corner of land owned by Geo. Shupert in center of the township line road; thence south on said township line to the Warren county line, then west on Warren county line to Twin creek, then following the course of Twin creek to the Germantown special school district line, then following the said Germantown special school district to the lower Miamisburg road; thence east on said lower Miamisburg road to place of beginning, except the tract of thirty-three acres owned by Jacob Bruner, and tract of thirty-one acres, known as the Coleman farm, both of said tracts lying just south of lower Miamisburg road.

SECTION 2. The board of present district shall constitute the board of education of said special district until their successors are elected and qualified, said election to take place within twenty (20) days after the passage of this act.

SECTION 3. The said special school district shall be entitled to all the school property in said district, and the said special school district

shall be entitled to and shall receive its proportionate share of the school and school-house funds and the funds levied for incidental expenses in accordance with the enumeration of 1897 of children entitled to attend schools, said funds being those now collected, or already levied and not collected, either in the county or township treasury, such proportionate share to be ascertained and fixed by the auditor of Montgomery county.

SECTION 4. Said special school district shall be governed in all respects by such laws as are now or may hereafter be in force relating to special school districts.

SECTION 5. This act shall take effect and be in force from and after its passage, but all existing contracts pertaining to the school now in session in said district shall be executed according to terms thereof.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 13, 1898.

115L

[House Bill No. 404.]

AN ACT

Amending an act "To authorize the trustees of Pike township, Stark county, Ohio, to receive the title of Ashbury cemetery therein, and to manage and control the same by donations therefor," passed April 11, 1893.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the township of Pike, in the county of Stark and state of Ohio, be, and they hereby are authorized, empowered and required to receive the title of a certain cemetery therein, commonly known as Ashbury cemetery, being a part of the northwest quarter of section sixteen (16), range eight (8), township ten (10), beginning at the northeast corner of said quarter section; thence west twelve (12) rods; thence south eight (8) rods; thence east twelve (12) rods; thence north eight (8) rods to the place of beginning, and containing ninety-six one hundred and sixtieths (96-160) of an acre; and to manage and control the same as a public cemetery of said township.

SECTION 2. That said trustees be also authorized, empowered and required to receive donations therefor, and to invest and reinvest the same as a perpetual fund, and to apply the proceeds thereof toward the maintenance and repair of such cemetery.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 13, 1898.

116L

[House Bill No. 452.]

AN ACT

To authorize the commissioners of Miami county, Ohio, to pay to Edwin M. Wilbee, ex-sheriff of said county, certain expenses therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Miami county, Ohio, are hereby authorized to pay to Edwin M. Wilbee, ex-sheriff of said county, out of the county fund of said county, the sum of two hundred and seventy-seven dollars and ten cents; said sum being the amount expended by said Edwin M. Wilbee, in subpoenaing witnesses for the state of Ohio, in the Miami county, Ohio, courts, in conveying prisoners to and from the hospital for the insane at Dayton, Ohio, to and from the Dayton, Ohio, workhouse, to the penitentiary at Columbus, Ohio, to the Ohio reformatory at Mansfield, Ohio, and to the industrial home at Lancaster, Ohio.

SECTION 2. The said Edwin M. Wilbee shall, before any payment shall be made to him, file with the commissioners of said county, a duly verified statement of all and the several items of expenditure constituting said amount set forth in the first section of this act.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.
117L

Passed April 13, 1898.

[House Bill No. 252.]

AN ACT

To transfer the control of the joint sub-school district No. 9, composed of Wayne, Patterson and York townships to the Wayne township school board.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the control of the joint sub-school district No. 9, composed of Wayne, Patterson and York townships, located in Darke county, Ohio, and described as follows: Commencing at the northwest corner of section number thirty-five (35) in township number twelve (12) of range number three (3) east in Patterson township, Darke county, Ohio; thence east on section line between sections thirty-five and twenty-six, said township to the northeast corner of the northwest quarter of said section thirty-five (35); thence south on the half section line to the center of said section thirty-five (35); thence east on the half section line to the northeast corner of the southeast quarter of said section thirty-five (35); thence south on the public road to the southeast corner of the northeast quarter of section two (2) town eleven (11) of range three (3) East Wayne township; thence west on half section line, through said section two (2) and to the center of section three (3) town eleven (11) of range three (3) East York township; thence north on the half section line to the northeast corner of the northwest quarter of said section (3); thence

west to the southwest corner of the east half of the southwest quarter of section thirty-four (34) town twelve (12) of range three (3) east; thence north to the northwest corner of said half quarter; thence east to the southwest corner of the east half ($\frac{1}{2}$) of the northeast quarter of said section thirty-four (34); thence north to the north line of said section thirty-four (34); thence east on the public road to the place of beginning; be and is hereby transferred to the Wayne township school board.

SECTION 2. This act shall take effect and be in force on and after September 1, 1898.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.
118L

Passed April 13, 1898.

[House Bill No. 562.]

AN ACT

For the relief of Neri Chaney, treasurer of Salem township, Highland county, Ohio.

WHEREAS, Neri Chaney was, at the April election, A. D. 1895, duly elected township treasurer of the township of Salem, Highland county, Ohio, and also became treasurer of the board of education of said township; and,

WHEREAS, As such treasurer, he in good faith deposited certain of the funds of said board of education in the First National bank of Hillsboro, Ohio, and said First National bank did, on the 16th day of July, A. D. 1896, fail and suspend payment; and,

WHEREAS, The receiver of said bank has paid upon the amount of said school funds so deposited in said bank, and being at the time of its failure the sum of five hundred and nine dollars and thirty-six cents (\$509.36), a dividend of fifty per cent., to wit: the sum of two hundred and fifty-four dollars and sixty eight cents (\$254.68) has been paid; and,

WHEREAS, Said receiver will be able to pay only a small portion of said balance of two hundred and fifty-four dollars and sixty-eight cents (\$254.68), and therefore leaving the one-half thereof uncollectable, for which said Neri Chaney and the sureties on his official bond are liable; and,

WHEREAS, A large number of the resident taxpayers of said township have petitioned this general assembly for the relief of said Neri Chaney and his sureties; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees and board of education of Salem township, Highland county, Ohio, be and they are hereby authorized and empowered by suitable resolution to release said Neri Chaney and the sureties on his official bond from the payment of any balance remaining unpaid of said money so deposited by him as treasurer as aforesaid in said First National bank of Hillsboro, Ohio, after payment in full of all dividends thereon collectable from the receiver of said bank; provided, however,

that before the said release shall take effect, the same shall be submitted to a vote of the qualified voters of said township and if a majority thereof shall vote for said release, then the same shall be binding.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.
119L

Passed April 13, 1898.

[House Bill No. 424.]

AN ACT

To amend an act entitled "An act to establish a separate election precinct in Washington township, Holmes county, Ohio," passed April 27, 1896.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following territory situate in Washington township, Holmes county, Ohio, be and is hereby declared to be a separate election precinct, to wit: East half of section 11, sections 12, 13 and 14 of township 19, range 15.

SECTION 2. That an act passed April 27, 1896 (92 O. L., page 752), be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.
120L

Passed April 19, 1898.

[House Bill No. 521.]

AN ACT

To transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Middleburgh township, Cuyahoga county, Ohio, be and are hereby authorized and empowered to transfer from the township poor fund the sum of \$2,000 to the school fund of said township, after which any amount remaining in said township poor fund, or which shall hereafter accrue, in excess of \$2,000, shall be transferred to a special fund called "the township improved road fund" and when said "township improved road fund" shall contain not less than two thousand dollars, then the township trustees of Middleburgh township may use such fund for the construction of macadam or other equally good roads in said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives

ASAHEL W. JONES,
President of the Senate

Passed April 19, 1898.

121L

[House Bill No. 387.]

AN ACT

To authorize the commissioners of Allen county to levy a tax to purchase lands for a cemetery, and place the same in proper condition for the burial of deceased union soldiers and sailors.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That the board of county commissioners of Allen county, Ohio, be, and are authorized to levy a tax on the taxable property of said county in the aggregate sum of fifteen hundred dollars (\$1,500), for the purpose and to be used in purchasing lands, laying out the same and putting in proper condition for cemetery purposes, to be used exclusively as a burial place for deceased ex-union soldiers and sailors, and to be located within two miles of the city of Lima, Allen county, Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives

ASAHEL W. JONES,
President of the Senate

Passed April 19, 1898.

122L

[House Bill No. 507.]

AN ACT

To authorize the commissioners of Coshocton county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That the county commissioners of the county of Coshocton, and state of Ohio, be and are hereby authorized to transfer two thousand five hundred (\$2,500) dollars from the poor fund to the county fund.

SECTION 2. That this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives

ASAHEL W. JONES,
President of the Senate

Passed April 19, 1898.

123L

[House Bill No. 445.]

AN ACT

To authorize cities of the second class, third grade *a*, [to issue bonds for the] purposes herein specified.

[SPRINGFIELD.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of any city of the second class, third grade *a*, be and it is hereby authorized and empowered, upon the application of the board of police and fire commissioners of such city, to issue, from time to time, bonds of such city, designated "police department bonds," not exceeding in the aggregate twenty thousand (\$20,000) dollars, for the purpose of purchasing such real estate as may be necessary and erecting and equipping a city prison, patrol house and workhouse.

SECTION 2. Such bonds shall be in such denominations, run for such length of time, not exceeding twenty (20) years, and bear such rate of interest not exceeding five (5) per cent. per annum, payable semi-annually as such council may by ordinance determine; they shall be signed by the mayor and the city clerk of such city, and sealed with the seal of the corporation, and shall be advertised and sold in the manner provided by law for the sale of municipal bonds, and the entire proceeds arising from the sales thereof shall be applied exclusively for the purposes for which such bonds are issued.

SECTION 3. The council of any such city is hereby authorized and directed to levy and collect, from time to time, upon all taxable property of such city a tax sufficient in amount to pay the principal and interest of any bonds which may be issued under the authority of this act. Said tax to be levied and collected in the manner of levying and collecting other taxes in the corporation.

SECTION 4. Before said bonds shall be issued or the tax levied for the payment thereof, the proposition to issue said bonds and levy said tax shall be submitted by the city council of any such city to the electors of any such city at the first general election held subsequent to the passage of this act, after giving ten (10) days' notice by publication in two papers of general circulation in any such city, and if a majority of the electors of any such city, voting on said proposition, shall declare in favor of the issuing of said bonds and the levying of said tax, then and not otherwise the city council of any such city shall issue and sell said bonds and levy said tax for the payment thereof. The ballots for said election shall have printed thereon the words, "For issuing bonds and levying tax" and "Against issuing bonds and levying tax."

SECTION 5. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 19, 1898.

124L

[House Bill No. 411.]

AN ACT

To authorize cities of the second grade of the first class to issue bonds for the purpose of widening, deepening, enlarging, straightening and improving any navigable watercourse; and for the purpose of establishing, constructing and repairing landing-places, wharves, docks and piers, within such city.

[CLEVELAND.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That any city of the second grade of the first class in the state of Ohio be and it is hereby authorized to borrow money in addition to any loan heretofore authorized, in such sum or sums, and at such time or times as the council shall deem best, not to exceed the sum of one million dollars (\$1,000,000), at a rate of interest not to exceed five (5) per centum per annum, payable semi-annually, for the purpose of widening, deepening, enlarging, straightening and improving any navigable watercourse and for the purpose of establishing, constructing and repairing landing places, wharves, docks and piers within such city as the council may direct. For the purpose of effecting such loan, and providing a fund for the purpose aforesaid, any such city is hereby authorized to issue its bonds in such denominations, payable at such time or times and for such amount or amounts, not exceeding the sum of one million dollars (\$1,000,000), as the council may from time to time direct. Said bonds except as indicated in the foregoing, shall in all other respects conform to the requirements of chapter 2, division 9, title 12, of the Revised Statutes of the state of Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAH EL W. JONES,
President of the Senate.

Passed April 19, 1898.

125L

[House Bill No. 351.]

AN ACT

To authorize the board of education of Jackson township, Vinton county, Ohio, to levy an additional tax for the purpose of maintaining the schools of said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That the board of education of Jackson township school district, Vinton county, Ohio, be and the same are hereby authorized and empowered to levy an additional tax for the years 1898, 1899, 1900, 1901 and 1902, on all the taxable property within said school district not to exceed two (2) mills on the dollar for each year, in addition to the levy now authorized by law, the same to be collected as other taxes, for the purpose of supporting and maintaining the schools in said district, and also for the payment of the present indebtedness as the said board in their discretion may direct.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 19, 1898.

126L

[House Bill No. 830.]

AN ACT

To authorize the commissioners of Trumbull county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of commissioners of Trumbull county, Ohio, be and hereby are authorized to transfer (\$9,000) nine thousand dollars from the poor fund of Trumbull county, Ohio, to the general fund of said county.

SECTION 2. This act shall take effect on and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 19, 1898.

127L

[House Bill No. 356.]

AN ACT

To authorize the county commissioners of Champaign county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Champaign county be and they are hereby authorized to transfer the following funds: Two thousand (\$2,000) dollars to the bridge fund from the election fund, two thousand (\$2,000) dollars to the county fund from the election fund, four thousand (\$4,000) dollars to the county fund from the building fund, two thousand (\$2,000) dollars to the infirmary fund from the building fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 19, 1898.

128L

[House Bill No. 734.]

AN ACT

To authorize the county commissioners of Wood county to issue and sell bonds to build bridges.

WHEREAS, A number of bridges across ditches and streams in Wood county, Ohio, have been injured or carried away by the recent high waters; and,

WHEREAS, The bridge fund of said county is wholly inadequate to repair or rebuild said bridges; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of county commissioners of Wood county, Ohio, be and said board is hereby authorized and empowered to issue and sell bonds, not to exceed in amount twenty thousand dollars to draw interest at a rate of not to exceed six per cent. per annum, payable semi-annually, and all money derived from the sale of said bonds shall be placed in the bridge fund of said county, and be used for the repair or building of bridges therein.

SECTION 2. The sale of, and the levying of taxes to pay said bonds, shall be governed by the general statutes relating to said subjects.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,

Speaker of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed April 19, 1898.

129L

[House Bill No. 593.]

AN ACT

To provide for the expenditure and appropriation of the income arising from the railroad bonds owned by Cadiz township of Harrison county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the income annually arising from the interest or income of the railroad bonds owned by Cadiz township of Harrison county, Ohio, be by the trustees of said Cadiz township appropriated and expended for the use of such fund or funds of said township as will, in their opinion, be for the best interest of the township.

SECTION 2. This act shall take effect and be in force on and after its passage.

HARRY C. MASON,

Speaker of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed April 19, 1898.

130L

[House Bill No. 442.]

AN ACT

To amend an act entitled "An act to authorize the board of education of the Edgerton school district, Williams county, Ohio, to levy an additional tax," passed February 21, 1894 (91 O. L., 484).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the act entitled "An act to authorize the board of education of the Edgerton school district, Williams county, Ohio, to levy an additional tax," passed February 21, 1894 (91 O. L., 484), be amended so as to read as follows:

SECTION 2. The board of education of the Edgerton school district, Williams county, Ohio, be and they are hereby authorized to levy annually for a period of not more than five (5) years, in addition to that already allowed by law, a tax of not more than four (4) mills on each dollar of the assessed value of the taxable property of said Edgerton school district for the support and maintenance of the public schools thereof.

SECTION 3. Said original act passed February 21, 1894, is hereby repealed, and this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.
131L

Passed April 19, 1898.

[Senate Bill No. 380.]

AN ACT

To authorize cities of the second grade of the first class to secure the necessary land, and to borrow money therefor, and for the purpose of building and erecting thereon a city hall, and the furnishing of the same.

[CLEVELAND.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in any city of the second grade of the first class, the council of such city may, by ordinance, declare the necessity for the erection, completion and furnishing of a new city hall for any such city, to be used for the public offices of the corporation, and such other public purposes as the council may authorize; thereupon there shall be a board of five commissioners, composed of five (5) citizens of such city, to be appointed by the mayor, and approved by the council, not more than three of whom shall be from the same political party, whose duty it shall be to secure the necessary land, by purchase or appropriation, as a location and site for the erection of such city hall, and to erect, build, complete and furnish such new city hall in such city; and upon the appointment as aforesaid of said commissioners, all power to procure such site or location, either by appropriation or purchase, as said commissioners shall deem best, and to erect, build, complete and furnish a city hall for such

city, shall devolve upon, vest in, and be exercised by said board, and in exercising such power and carrying out the object of their appointment, said board shall be governed by the following provisions.

SECTION 2. Said board shall be known as the board of city hall commissioners, and they shall receive their necessary expenses in attending to their duties, which shall be paid out of the fund hereinafter created, for the purpose of carrying out the provisions of this act. Said board shall serve until the building and furnishing of such city hall is completed, but not to exceed five (5) years from the date of their appointment; provided, the mayor, with the approval of the council, may remove any of said commissioners for misconduct in office, and the vacancy thereby created shall be filled in the same manner and from the same political party as the original appointment, and all vacancies in the office of commissioner shall be filled in the same manner from the same political party as the original appointment.

SECTION 3. Said commissioners shall select from their number a president, and shall hold regular meetings at such time and places as they may agree upon, and special meetings under such regulations as they may determine, and shall cause to be kept a full record of their proceedings.

SECTION 4. Said commissioners shall have power to appoint a clerk, architect, superintendent and other necessary employes, fix their compensation and adopt a suitable plan and design for such city hall, and make all contracts for the procuring of the necessary site, and for erecting, completing and furnishing such city hall; and no contract which they enter into, or alteration or modification thereof shall be valid until assented to at a regular or special meeting and concurred in by a majority of all the members thereof, and such assent entered on the minutes of the proceedings. And it shall be the duty of such commissioners in securing the most suitable plans together with the specifications and estimates for such city hall, to advertise for not less than three (3) consecutive weeks in such newspapers as they may deem proper, in and of general circulation in such city, for plans, specifications and estimates of such city hall; said plans, specifications and estimates to be presented within such time after such advertisement as the board may direct; and shall allow full and fair competition among all architects who shall desire to submit plans, specifications and estimates for such city hall.

SECTION 5. Said board of commissioners shall have power to appropriate, enter upon and condemn for public use, by any such city, for city hall purposes, any private property within such city, and when such board shall determine to appropriate property for such use a resolution to that effect shall be passed by the board and entered upon its minutes, declaring the intention to appropriate such property and the necessity therefor, with a pertinent description of the property to be appropriated, which resolution shall be certified to the corporation counsel of such city, whose duty it shall then be to apply, in writing, in the name of such city, to any court of competent jurisdiction for the impaneling of a jury to assess the compensation to be allowed the owner or owners of property sought to be appropriated, in the manner now provided by law for the impaneling of juries to assess the compensation to be allowed the owners of property appropriated by municipal corporations for other purposes; and such appropriation proceedings shall in all other respects

be governed by the laws now in force governing the appropriation of private property by municipal corporations for public purposes.

SECTION 6. No money shall be expended on account of such city hall unless first authorized by such commissioners, and upon warrants signed by their president and clerk, drawn upon the director of accounts of such city, to be paid by the treasurer of such city upon the warrant of such director, out of the fund hereinafter provided; and no commissioner or person holding appointment from said board, nor any officer or employe of the city, shall be interested, either directly or indirectly, in any contract concerning such city hall or the material or site therefor.

SECTION 7. Such commissioners before entering into any contract for such city hall shall cause plans and specifications, details, drawings, and forms of bids to be prepared, and when adopted by them, they may, in their discretion, cause the plans and drawings to be lithographed, and the specifications and forms of bids, contracts and bonds to be prepared, and have the same printed for distribution among the bidders.

SECTION 8. All contracts shall be made in writing, in the name of such city, and signed by the president and clerk of said board, and by the contractor, and be approved by the corporation counsel. When it becomes necessary, in the opinion of said board, in the prosecution of the work, to make alterations or modifications in the contract, such alterations or modifications shall only be made by order of the board, and such order shall be of no effect until the price to be paid for the work, or materials, under such altered or modified contract has been agreed upon in writing, and signed by the contractor and the president of said board.

SECTION 9. Said board shall not enter into any contract for work in the erection and completion of such city hall without first causing fifteen (15) days' notice to be given in one or more newspapers, of general circulation, in such city, for sealed proposals for doing the work and furnishing the materials therefor; provided, that said board shall not be required to advertise for bids for making and printing the drawings, specifications and forms of bids, contracts and bonds.

SECTION 10. All bids shall be enclosed in a sealed envelope and deposited with the clerk of said board; and such sealed envelope shall have indorsed thereon the nature of the same, and the name of the bidder; and all bids shall be opened at a regular meeting of the board, and at an hour to be indicated in said notice. Each bid shall be accompanied with a bond, signed with sufficient sureties, for the acceptance and execution of the contract, and the securing of the same if awarded by the board; or the bidder may deposit with the board, in lieu of such bond, a certified check, or cash, in such sum as the board shall indicate; and in case of refusal of the bidder to enter into a contract in accordance with his bid, and furnish the security therein required, within such reasonable time as the board may determine, said bond shall be put in suit and the amount collected, paid into the fund hereinafter provided for; if a check, or cash, is deposited the amount shall immediately be paid into such fund.

SECTION 11. Said board shall enter into contract with the lowest and best bidder, upon his giving bond to such city with such sureties as the board shall approve that he will perform the work and furnish the materials in accordance with his contract, and that the sureties agree

in advance to such modifications and alterations as may be made by the board and the contractor, within the limits of the penal sum mentioned in the bond; and on failure of such bidder, within a reasonable time to be fixed by the board, to enter into bond with the sureties before provided, a contract may be made with the next lowest and best bidder and so on, until a contract is effected with a contractor giving bond as aforesaid; provided, that the board may let the work in whole or in parts, and may receive bids for labor and material separately, as the board may deem best, and may reject any and all bids.

SECTION 12. To provide a fund to pay the cost and expense of procuring the necessary land as a location for, and the erection, completion and furnishing of such city hall, under the provisions of this act, the council of any such city may and it is hereby authorized to issue and sell the bonds of such city to an amount not to exceed in the aggregate one million five hundred thousand dollars (\$1,500,000) for procuring such land and erecting, completing and furnishing such city hall. Said bonds shall be issued and made payable at such time or times as the council shall determine; shall bear interest at such rate not to exceed four per cent. per annum, payable semi-annually, as the council of such city shall determine; said bonds, except as provided in the foregoing, shall in all respects conform to the requirements of chapter 2, division 9, title 12 of the Revised Statutes of Ohio, and section 2702 of the Revised Statutes of Ohio, and section 73 of an act passed March 16, 1891, entitled "An act to provide for a more efficient government for cities of the second grade of the first class," and any other laws now in force relating to the certificate of the city auditor, or to the fact that money is in the treasury, shall not apply to contracts made under this act, and the provisions of section 2704 of the Revised Statutes of the state of Ohio, as amended April 1, 1896 (92 O. L., 286), relating to the limit of the aggregate debt of cities of the second grade of the first class shall not apply to this act.

SECTION 13. For the purpose of paying the interest on said bonds and for the further purpose of providing a fund for the payment of said bonds at maturity, the council of such city may use and apply any money received by such city from any gas company or electric light company under any agreement heretofore or hereafter made; and for the purpose of providing such further sum as may be necessary to pay the interest on such bonds and the principal of the same at maturity, the council shall, in addition to the other levies authorized by law, levy annually a sufficient tax therefor on all property of such city subject to taxation, and such taxes shall be levied and collected as other taxes.

SECTION 14. This act shall take effect and be in force from and after its passage.

HARRY C. MASON.

Speaker of the House of Representatives

ASAHEL W. JONES.

President of the Senate

Passed April 19, 1898.

132L

[Senate Bill No. 279.]

AN ACT

To authorize the board of education of certain villages or cities to increase the levy for the maintenance of schools.

[NILES.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of any village, or city, having at the last federal census not less than four thousand two hundred and eighty (4280) and not more than four thousand three hundred (4300) inhabitants, is hereby authorized to levy a tax, for the years 1898 and 1899, on all the taxable property within said school district, not exceeding two (2) mills on the dollar, for each year, in addition to the levy now authorized by law, for the purpose of supporting and continuing the schools in said school district, the same to be collected as other taxes.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

A. W. JONES,
President of the Senate.

Passed April 19, 1898.

134L

[Senate Bill No. 253.]

AN ACT

To authorize the board of education of Toledo, Lucas county, Ohio, to pay Miss Clara M. Johnson, a teacher in the Segur school of said city, the sum of \$60 salary; to pay Miss Charlotte L. Boddy, a teacher in the North Toledo school of said city, the sum of \$55 salary, and to pay Mrs. Sallie Bonifield, a teacher in the Birmingham school of said city, the sum of \$60 salary, due for services rendered during the month of September, 1897.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the city of Toledo, Lucas county, Ohio, through the president and secretary of said board, are hereby authorized and directed to draw their warrant or order upon the treasurer of said board in favor of Clara M. Johnson, for the sum of \$60, the amount due said Clara M. Johnson, for services as teacher in the Segur school of said city of Toledo, during the month of September, A. D. 1897; to draw their warrant or order upon the treasurer of said board in favor of Charlotte L. Boddy for the sum of \$55, the amount due said Charlotte L. Boddy, for services as teacher in the North Toledo schools of said city, and to draw their warrant or order upon the treasurer of said board in favor of Mrs. Sallie Bonifield for the sum of \$60, the amount due said Sallie Bonifield, for services as teacher in the Birmingham school of said city for the same month; and that the treasurer of said board of education is hereby authorized and directed to honor said warrants or orders and pay to said persons the amount of the same out of any funds in his hands that may be applicable to the payment of teachers for their services in said city of Toledo.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 19, 1898.

135L

[Senate Bill No. 316.]

AN ACT

To authorize the county commissioners of Cuyahoga county to issue the bonds of said county for certain purposes therein named, and to levy a tax for the redemption thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That the county commissioners of Cuyahoga county, Ohio, be and they are hereby authorized to construct a new bridge and approaches thereto across Euclid creek in the village of Euclid. Before constructing said bridge they shall straighten the said Euclid road so that the center line of that section or portion west of the Highland road shall be produced easterly from the point of intersection of the said Highland road with the said Euclid road so that there will be no angle at or near the said Highland road. And, provided further, that said commissioners are authorized to acquire land or pay damages to the owners thereof, so as to straighten the said Euclid creek in such a manner that it shall cross the said Euclid road substantially at right angles, and they are authorized and required to so straighten said channel after acquiring the land as aforesaid. And the bridge herein provided for shall be of sufficient height so that there shall be no depression in the roadway leading from the village west.

SECTION 2. For the purpose of providing the funds necessary for building said bridge, said commissioners are hereby authorized to issue the bonds of Cuyahoga county for an amount not exceeding thirty thousand (\$30,000) dollars, which said bonds may be made payable at any time not to exceed ten (10) years from the date of issue thereof, and shall bear interest at the rate not to exceed five (5) per cent. per annum payable semi-annually. Said bonds may be issued from time to time and in such amount as the progress of the work, or the convenience of said commissioners may require, and shall have written or printed upon them the date of the law under which they are issued, and the words "Euclid creek bridge," and shall not be sold or negotiated for less than par; and the proceeds shall not be applied to any other purpose than the payment of the cost and expense of the work and improvement hereinbefore provided, and to pay the interest on said bonds as the same shall accrue.

SECTION 3. The commissioners of Cuyahoga county are hereby authorized and required to levy a tax on all the taxable property in said county, in addition to all other taxes authorized by law, in such amounts as will be necessary to meet the payments of said bonds and interest, as they shall become due; which levy shall be placed on the tax duplicate by the auditor of said county, and collected as other taxes.

SECTION 4. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 19, 1898.

136L

[Senate Bill No. 261.]

AN ACT

To authorize the board of administration or its successors in cities of the first grade of the first class to issue bonds for the purpose of repairing and reconstructing bridges and viaducts in such cities.

[CINCINNATI.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in cities of the first grade of the first class, the board of administration or its successors be and the same is hereby authorized to issue bonds not exceeding fifty thousand (\$50,000) dollars in amount, to raise money for the purpose of repairing and reconstructing bridges and viaducts in such cities. Such bonds may be issued from time to time in the name of such city and under the corporate seal thereof in any amount not to exceed said sum of fifty thousand (\$50,000) dollars, in such denomination and payable at such time, not exceeding twenty years from their date, and bearing interest at such rate, not exceeding three and one-half (3½) per centum per annum, as such board of administration or its successors may determine; such bonds shall be signed by the president of such board of administration or its successors, and by the mayor of such city and attested by the city auditor of such city, and shall be secured by the pledge of the faith of such city.

SECTION 2. The money arising from the sale of such bonds shall be placed in a fund known as the "bridge repair and reconstruction fund," and shall be used solely for the purpose of repairing and reconstructing bridges and viaducts within such city; and the careful account of the condition of such fund shall be separately kept by the auditor of such city, and the moneys therein shall be paid out by such auditor upon vouchers regularly approved by the board or boards having charge of the repairing and reconstructing of bridges and viaducts in such city.

SECTION 3. To provide a fund for the payment of the interest upon such bonds and a sinking fund for their final redemption, it shall be the duty of the board or boards having control of the expenditures from the bridge fund of such city to set aside from said bridge fund, annually, the sum or sums as may be necessary for said purpose; and the money so set aside shall be used only for the said purpose of paying interest on said bonds and to provide a sinking fund for their final redemption.

SECTION 4. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 19, 1898.

137L

[Senate Bill No. 179.]

AN ACT

To repeal section 897-1 supplementary to section 897 passed April 21, 1896 (O. L. vol. 92, page 273); and to provide a salary of twelve hundred dollars (\$1,200) per annum for the county commissioners of Ross county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That the county commissioners of Ross county, Ohio, shall each receive a salary of twelve hundred dollars per annum, payable in equal monthly installments out of the county treasury upon the warrant of the county auditor, and each county commissioner shall devote his entire time or so much thereof as may be necessary to properly discharge the duties of his office, and shall receive nothing in addition to the salary so provided either directly or indirectly, by way of mileage, per diem, expenses paid out or otherwise except when necessary to go out of the county on official business pertaining to their office, each commissioner may, in addition to such salary, receive his actual expenses and no more which shall, before being paid, be presented in an itemized account, to and approved in writing by the prosecuting attorney and probate judge.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives
ASAHEL W. JONES,
President of the Senate.
138L

Passed April 19, 1898.

[Senate Bill No. 225.]

AN ACT

To divide Madison township, Hancock county, Ohio, into two voting precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That Madison township, Hancock county, Ohio, be and the same is hereby divided into two voting precincts in the following manner: That part of said township lying north of a parallel line crossing said township from east to west, in the center of said township from north to south, shall be known and designated as the north precinct. All of that part of said township lying south of said parallel line crossing said township from east to west in the center thereof, shall be known as the south precinct.

SECTION 2. The voting place in the north precinct shall be in the village of Arlington, and the voting place in the south precinct shall be in the village of Williamstown.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
139L

Passed April 19, 1898.

[Senate Bill No. 114.]

AN ACT

To fix the salaries of the infirmiry directors of Darke County, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the [infirmiry] directors of Darke county shall receive compensation for their services as follows: The sum of three hundred (~~\$300~~) dollars per year each, and there shall be allowed the sum of fifty (\$50) dollars per year for the clerk of said board. The above compensation shall be in full for all services and expenses that each member shall receive for attending the duties required of them within their respective counties; but each member, when required in the administration of his duties, is required to travel outside of his county, shall be allowed his necessary traveling expenses. Said compensation shall be allowed and paid quarterly.

SECTION 2. And this act shall take effect and be in force from and after January 1, 1899.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Passed April 19, 1898.

140L

[Senate Bill No. 283.]

AN ACT

To authorize the county commissioners of Ross county to levy a tax for the purpose of constructing, extending or finishing free turnpikes, and to repair free turnpikes already constructed; and to repeal an act passed April 24, 1896 (O. L., vol. 92, page 638).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Ross county are hereby authorized, when, in their judgment, the public interests demand it, to cause to be constructed or finished free turnpikes, and to repair free turnpikes already constructed, on or near any state or county road in said county, of such width as in their judgment may seem best, and if the commissioners decide that the public will be benefited by changing the course of any state or county road, they shall proceed to make such change in the manner now prescribed by law for locating and changing state and county roads, and in all other respects in the construction of said roads, they shall proceed in accordance with sections 4770, 4771, 4772 and 4773 of the Revised Statutes; provided, that not more than five thousand dollars shall be expended in any township for the above purpose, and when the same is not sufficient to complete such turnpike road or roads, the commissioners may receive contributions from those interested sufficient to finish the same.

SECTION 2. Before said commissioners shall proceed to let contracts for the construction or finishing, or the repairing of free turnpikes already constructed in said county, they are hereby authorized, in addition to what they are now by law allowed, to levy an additional

tax on all the taxable property of the county, not exceeding the sum of ten thousand dollars in any one year, for the above purpose, shall they let contracts to exceed the amount of the tax levied annually and the whole amount levied under the provisions of this act shall in the aggregate exceed the sum of thirty thousand dollars.

SECTION 3. That an act passed April 24, 1896 (O. L., vol. 92, 638), be and the same is hereby repealed; and this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives

ASAHEL W. JONES,
President of the Senate

Passed April 19, 1898.

141L

[House Bill No. 163.]

AN ACT

To provide for the creation of a park fund in cities of the second grade or second class, and to authorize the purchase of land for parks.

[DAYTON.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That the city council of any city of the second grade or second class shall, in the annual tax levy for such city, levy a tax upon the general tax duplicate thereof, of two-tenths of one mill, in addition to all other taxes now or hereafter authorized by law, to create a fund for the purchase or acquisition of lands for parks for such city, and for the improvement of same, and the maintenance of the parks thereafter, and to create a sinking fund for the redemption of any bonds issued hereunder. All lands have been purchased or acquired for said purpose, and any bonds that may have been issued hereunder have been paid, only such amount shall be levied under this act, as is sufficient to pay the cost of improvement and maintenance.

SECTION 2. That the money arising from taxes to be levied, and bonds issued hereunder, shall be placed in the treasury of such city as a fund to be known as the park fund, and shall be used only for the purposes aforesaid; provided, however, that until the purchase or acquisition of lands as aforesaid, any money in said fund and thereafter sinking fund herein provided for, may be invested in the bonds of such city in the same manner and by the same officers as is provided by law for the investment of money in the sinking fund of said city in its bonds. Any bonds so purchased shall be sold in the manner provided by law for the sale of other bonds of such city, whenever the money is needed to carry out the purposes of this act.

SECTION 3. That such city council may at any time provide, by ordinance, for the appropriation of lands for park purpose, either with or without, but not more than two miles distant from such city, and it shall not be necessary in any event either to give notice by publication or to submit the proposition to so appropriate lands to a vote of the electors of such city. Upon the passage and taking effect of the ordinance above mentioned, the city solicitor of such city shall institute

and conduct to a close, the same proceedings as are provided by law to be had in other cases of appropriation of private property by cities and villages, and the provisions of law in regard to the appropriation of private property by cities and villages, shall in all respects apply to and govern any appropriation of lands had hereunder.

SECTION 4. That the money in the park fund at the time of such appropriation shall be applied to pay the costs of the proceeding, and to pay the value of the lands as therein found and determined, but such city may decline to take such lands, in which event it shall pay only the costs.

SECTION 5. That the provisions of section 2702 of the Revised Statutes shall not apply in the event of the appropriation of lands hereunder, and of the improvement of same.

SECTION 6. That if, upon the appropriation of lands hereunder, there is not sufficient money in the park fund to pay the value thereof, as found and determined, the city council of such city may, by ordinance, provide for the issue of bonds, in an amount, which added to the money in the park fund, will be sufficient to pay the value aforesaid of such lands and the costs of the proceeding.

SECTION 7. That such bonds shall be entitled "park bonds;" shall be of the denominations to be fixed by such council; shall bear interest at a rate not exceeding five per cent. per annum, payable semi-annually; shall run for a period not exceeding twenty years; shall be executed on behalf of such city by the mayor and city clerk thereof, and shall be sold in the same manner as is provided by law for the sale of other bonds of such city.

SECTION 8. That this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.
142L

Passed April 20, 1898.

[House Bill No. 274.]

AN ACT

To create a special school district in certain townships in the counties of Seneca and Sandusky, and state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the territory embraced in the township of Liberty, county of Seneca, and state of Ohio, including the village of Bettsville in said township, and described as follows, to wit: The whole of section two (2), except east half of the east half thereof, the whole of section three (3) and ten (10), the whole of section eleven (11), except the east half of the east half thereof and the east half of the east half of section four (4), together with the territory comprised in Jackson township, Sandusky county, Ohio, and described as follows, to wit: The east half of the southeast quarter of section thirty-three (33), the south half of section thirty-four (34) and the southwest quarter of section thirty-five (35), be and the

same is hereby created and declared to constitute a special school district to be known as the Bettsville special school district; provided, that a special election to be held on the 16th day of May, 1898, the question shall be submitted to a vote of the qualified electors of said proposed special school district. Said election to be governed by the law applicable to general elections and all persons competent to vote in any school election under the general laws of Ohio, shall be qualified electors. The ballots shall contain the words "Special school district — Yes" and "Special school district — No;" and if those voting in the affirmative constitute a majority of all the votes cast, then this act shall take effect and be in force as law, but if those voting in the negative shall have a majority, then this law shall be of no effect.

SECTION 2. The electors of said special school district shall, within forty days after the passage of this act, by five of the electors in said district, giving five days' notice of the time and place of holding the election, and thereafter on the first Monday in April, elect three members of the board of education, one for one year, one for two years and one for three years from the third Monday of April next hereafter, who shall hold their office for the term therein specified, and until their successors are elected and qualified.

SECTION 3. The said special school district shall be entitled to all of the school property within such territory, and the title thereto be vested in the board of education of said Bettsville special school district.

SECTION 4. The said special school district shall be entitled to and shall receive their proportionate share of the school funds, and the funds levied for school-house and incidental expenses in accordance with the enumeration of 1897 of children who are entitled to attend school, said funds being those now collected or already levied and not collected either in the county or township treasury.

SECTION 5. Said Bettsville special school district shall be governed in all respects by such laws as are now or may hereafter be in force relating to special districts.

SECTION 6. This act shall take effect and be in full force from and after its passage.

HARRY C. MASON,

Speaker of the House of Representatives

ASAHEL' W. JONES,

President of the Senate

143L

Passed April 21, 1898.

[House Bill No. 482.]

AN ACT

To amend section 1 of an act entitled "An act to provide for the additional construction of trunk sewers in cities of the first grade of the first class," passed March 25, 1896 (92 O. L., 517).

[CINCINNATI.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That section 1 of an act entitled "An act to provide for the additional construction of trunk sewers in cities of the first grade of the first class," passed March 25, 1896 (92 O. L., 517), be amended so as to read as follows:

Sec. 1. That for the construction of trunk sewers in cities of the first grade of the first class, the board of legislation thereof be, and they are hereby required to levy, in addition to the taxes now authorized by law, annually, at the same time and in the same manner that other taxes are authorized to be levied, four-tenths of a mill on the dollar of all the property of such cities subject to taxation, for and during each of the six fiscal years next ensuing after the passage of this act.

SECTION 2. That said original section 1 be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
144L

Passed April 21, 1898.

[House Bill No. 641.]

AN ACT

For the relief of Albert C. Johnson, treasurer of the New Bloomington special school district, Marion county, Ohio.

WHEREAS, On the nineteenth day of October, A. D. 1896, the Marion deposit bank in the city of Marion, Ohio, failed in a large amount; and,

WHEREAS, Albert C. Johnson, treasurer of the New Bloomington special school district in Marion county, Ohio, had on deposit in said bank as such treasurer at the time of such failure money in the sum of two hundred and fifty-nine dollars and fifteen cents, which belonged to the school funds of said special school district; and,

WHEREAS, The said treasurer has made good the amount so lost to the said board of education; and,

WHEREAS, Without fault on the part of the said above named treasurer, said bank became insolvent and made a general assignment for the benefit of its creditors; and,

WHEREAS, The said bank will not be able to pay its depositors in full; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the New Bloomington special district be authorized and required to refund and pay to said Albert C. Johnson, the said sum of two hundred and fifty-nine dollars and fifteen cents, in full liquidation of the amount so paid by him. And the assignees of said bank are hereby authorized and required to pay to the treasurer of said special school district all dividends that may hereafter be declared from the assets of said bank.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
145L

Passed April 21, 1898.

[House Bill No. 533.]

AN ACT

To authorize the commissioners of Perry county to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That the county commissioners of Perry county, Ohio, for the purpose of providing for the deficiency in the general expense fund of said county are hereby authorized to transfer ten thousand dollars (\$10,000) from the infirmity fund, and ten thousand dollars (\$10,000) from the building fund, and five thousand dollars (\$5,000) from the building fund to the general expense fund of said county.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives

ASAHEL W. JONES,
President of the Senate

Passed April 21, 1898.

146L

[House Bill No. 780.]

AN ACT

To amend an act passed March 23, 1898, entitled "An act to provide for the payment of the whole of the taxes received from foreign insurance companies in counties containing a city of the second grade of the first class, to the fire department pension fund, to the police department pension fund, and to the sanitary police force pension fund, of such cities.

[CUYAHOGA COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That an act passed March 23, 1898, entitled "An act to provide for the payment of the whole of the taxes received from foreign insurance companies in counties containing a city of the second grade of the first class, to the fire department pension fund, to the police department pension fund, and to the sanitary police force pension fund of such cities," so amended as to read as follows:

Sec. 1. The county treasurers of counties containing a city of the second grade of the first class shall semi-annually, at the time of the semi-annual settlement with the auditors of their respective counties, pay over to the treasurer of such city the whole amount, under his authority, of all the taxes paid into the treasury of such county by insurance companies incorporated by the authority of any other state or government and doing business in any such city, on the gross receipts of each such insurance company, under and by virtue of the provisions of section two thousand seven hundred and forty-five (2745) of the Revised Statutes, during the half-year preceding such semi-annual settlement, and the whole of the moneys so paid over to such city treasurer shall be credited as follows: Sixteen-thirtieths (16-30) to the fire department pension fund; thirteen-thirtieths (13-30) to the police department pension fund and one-thirtieth (1-30) to the sanitary police force pension fund.

fund of such cities; and the moneys so paid over shall be controlled, administered and disbursed in accordance with the provisions of the Revised Statutes of the state of Ohio, governing the mode and manner of distributing the same; provided that all moneys now in the hands of the county treasurers of such counties or the city treasurers of such cities, arising from all the taxes paid into the treasury of such county by the insurance companies incorporated by the authority of any other state or government, and doing business in any such city on the gross receipts of every such insurance company, under and by virtue of the provisions of section two thousand seven hundred and forty-five (2745) of the Revised Statutes, shall be credited as follows: Two-thirds (2-3) to the fire department pension fund, and one-third (1-3) to the police department pension fund.

SECTION 2. That said act passed March 23, 1898, entitled "An act to provide for the payment of the whole of the taxes received from foreign insurance companies in counties containing a city of the second grade of the first class, to the fire department pension fund, to the police department pension fund, and to the sanitary police force pension fund of such cities," be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAH W. JONES,
President of the Senate.
147L

Passed April 21, 1898.

[House Bill No. 400.]

AN ACT

For the relief of George H. Brouse.

WHEREAS, George H. Brouse contracted with the board of education of Dixon township, Preble county, Ohio, in the year 1892, to teach a term of school of six months in subdistrict number five (5) in said township; and,

WHEREAS, He performed his part of the contract in good faith; and,

WHEREAS, The said George H. Brouse's certificate to teach expired before the expiration of his said term of school; and,

WHEREAS, He is unable to demand and receive a balance of two hundred and fifty-two dollars (\$252) in the hands of the treasurer of said township due him for the time taught and not covered by a certificate to teach; and,

WHEREAS, A large number of the taxpayers, the clerk, the board of education, and other citizens of said township, the present board of school examiners and the board of school examiners of 1892, of Preble county, Ohio, have petitioned the general assembly for the relief of said George H. Brouse; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township clerk of Dixon township, in Preble county, shall, and he is hereby required to draw his order, as such clerk, on the town-

ship treasurer of said Dixon township, in favor of said George Brouse, for the sum of two hundred and fifty-two dollars (\$252), and said township treasurer shall pay said order so drawn, out of any funds in his hands belonging to the school funds of said township and applicable to the payment of teachers.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives

ASAHIEL W. JONES,
President of the Senate

Passed April 21, 1898.

148L

[House Bill No. 373.]

AN ACT

To provide for an official stenographer and an assistant stenographer for certain counties therein contained.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That in Stark county, the court of common pleas may appoint one official stenographer for said county, and one assistant stenographer, each of whom shall hold his or her respective office for the term of two years from and after the date of his or her appointment, and until his or her successor be appointed and qualified, unless either shall be removed by the court for neglect of duty, misconduct or incompetency. Such official stenographer and assistant shall each take an oath that they will faithfully discharge the duties of their office; and the official stenographer shall receive an annual salary of nine hundred dollars, payable in equal monthly installments out of the county treasury, and which salary shall be in lieu of all per diem fees in the circuit, common pleas and probate courts. And the assistant stenographer shall receive an annual salary of six hundred dollars, which salary shall be in lieu of all per diem fees in the circuit, common pleas and probate courts, any case in which he or she shall be directed to take the shorthand notes, of any and all cases that he or she shall be directed by the court to take in any or either of said courts. And it shall be the duty of the auditor of said county to issue warrants on the treasurer for the payment of said salary of said official stenographer and assistant stenographer out of the general fund on presentation to him of a certified copy of the appointment of said official stenographers.

SECTION 2. It shall be the duty of such stenographer and assistant stenographer, unless waived by the parties, to make, or cause to be made, accurate stenographic notes of the testimony of the witnesses, the charge of the court to the jury, all opinions rendered, and all such other oral proceedings as the court or the parties may direct in all cases actually tried in the circuit, common pleas and probate courts to the court or jury. The shorthand notes so taken shall be the property of the county, and shall be carefully preserved in the office of such stenographer; and it shall be the duty of the assistant stenographer to file in the office of the official stenographer all such shorthand notes taken by him or her. It shall

also be the duty of such stenographers to make, or cause to be made, at the request of either party, or his attorney, a correct transcript into longhand of the notes so taken in any case, to be paid for forthwith by the party or parties ordering the same; but no transcript of the notes into longhand shall be paid out of the county treasury in any case unless such transcript shall be ordered by the judge for his own use, and in criminal cases by the prosecuting attorney. Such stenographers shall also, without extra compensation, take from the dictation of the court such shorthand notes as may be required in preparing opinions and charges to juries, and shall make a transcript of the same when ordered to do so by the judge.

SECTION 3. Such stenographers shall receive for making such transcripts of said notes into longhand eight cents per folio of one hundred words, and when more than one such transcript shall be ordered at the same time, the fee for making such additional transcript shall be one-third the fee allowed for the first copy; and when each of two or more parties require a copy they shall each be required to pay a pro rata share of said expense of printing said copy. And in every case reported in said courts there shall be taxed for each day's service of such stenographer a fee of five dollars, to be collected proportionately from the respective parties in the case, and when so collected to be paid quarterly into the treasury of the county by the clerk of the court.

SECTION 4. Said official stenographer shall have his or her office in the court-house of the county.

SECTION 5. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 21, 1898.

149L

[House Bill No. 350.]

AN ACT

To authorize the board of education of the Murray City special school district, Hocking county, Ohio, to levy an additional tax for the purpose of maintaining the schools of said city.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the Murray City special school district, Hocking county, Ohio, be and the same are hereby authorized and empowered to levy an additional tax for the years 1898, 1899, 1900, 1901, 1902, 1903, 1904 and 1905 on all taxable property within said school district not to exceed five (5) mills on the dollar for each year, in addition to the levy now authorized by law, the same to be collected as other taxes, for the purpose of supporting and maintaining the schools in said district, and also for the payment of the present indebtedness as the said board in their discretion may direct.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives

ASAHEL W. JONES,
President of the Senate
150L

Passed April 21, 1898.

[House Bill No. 662.]

AN ACT

To authorize and empower the commissioners of Ashtabula county, Ohio, to levy a tax and to construct a bridge in the village and township of Conneaut, in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That the commissioners of Ashtabula county are hereby authorized to levy a tax to construct a high bridge or viaduct in the village and township of Conneaut, Ohio.

SECTION 2. For the purpose of constructing said bridge, the commissioners of Ashtabula county are hereby authorized and empowered to make a levy, in addition to other taxes, of eight-tenths (8-10) of one mill per annum for a term of four years upon all the taxable property in said county of Ashtabula.

SECTION 3. Said commissioners are authorized and empowered to make and enter into a contract for the construction of said bridge whenever there is paid, or secured to be paid, to them the sum of not less than ten thousand (\$10,000) dollars by donation, or by persons or corporations that are specially benefited by the construction of the same, which sum is to be used toward paying the cost and expenses of said bridge.

SECTION 4. Said bridge is to be located at or near Main street in the village of Conneaut, across the Conneaut river and the valley in that vicinity.

SECTION 5. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives

ASAHEL W. JONES,
President of the Senate
151L

Passed April 21, 1898.

[House Bill No. 379.]

AN ACT

To amend an act entitled "An act to provide a more efficient government for cities having a population of not less than 33,000 and not more than 34,000 inhabitants," passed April 20, 1893.

[YOUNGSTOWN.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section fifteen (15) of said act be and the same is hereby amended so as to read as follows:

Sec. 15. The aggregate of all taxes levied or ordered by such city above the tax for county and state purposes, and excepting the tax for schools and school-house purposes, shall not exceed in any one year nine mills; provided, however, that the city commissioners of such cities shall, annually, at the time the rate of tax is fixed, provide by resolution for the distribution of the tax among the several departments of the corporation in such proportion to their needs as may be deemed necessary, and at no time thereafter shall the amount specified as necessary for the purpose named be changed, and all transfers of funds from one account to another are hereby expressly prohibited; and provided further, that in any such city in which there is established and maintained by a public library association, not organized for profit, a public library free to all inhabitants of such city, the council may levy an annual tax in addition, if need be, to said above aggregate amount of taxes, not exceeding two-tenths of a mill on all taxable property within such city, to be called the public library fund, and collected as other taxes. Said taxes for library purposes shall be paid by the treasurer of such city to the treasurer of such library association, to be used in the purchase of books, pamphlets, magazines, newspapers and for general library expenses, subject to such requirements as to accounting and reporting to council as the council may prescribe. And provided further, that in any such city in which there is established and maintained one or more hospital associations, not organized for profit, with hospitals equipped for the care and treatment of the sick and injured, the council may levy an annual tax in addition, if need be, to said above aggregate amount of taxes, not exceeding five-tenths of a mill on all taxable property within such city, to be called the hospital fund and collected as other taxes. Said taxes shall be paid by the treasurer of such city in equal proportions to the treasurers of such hospital associations as shall be willing to contract to furnish and to furnish board, lodging, nursing and medical treatment to the indigent sick and injured of such city, under such terms and conditions as the council of such city may prescribe.

SECTION 2. That said section 15 of said act is hereby repealed and this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,

President of the Senate.

Passed April 21, 1898.

152L

[House Bill No. 504.]

AN ACT

Relating to cities of the third grade of the second class.

[STEUBENVILLE.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That whenever, in a city of the third grade of the second class, the council thereof, shall by a resolution passed by a majority of the members elected thereto, declare it to be essential to the interests of said city that a bridge for general traffic should be constructed between terms designated therein, one of which shall be such city, it shall be lawful for a board of trustees appointed as herein provided and they are hereby authorized to borrow as a fund for that purpose, not to exceed the sum of one hundred and fifty thousand dollars (\$150,000), and to issue bonds therefor in the name of said city, under the corporate seal thereof, bearing interest at a rate not to exceed four (4) per cent. per annum, payable semi-annually, at such places and in such sums as shall be deemed best by said board. Said bonds shall be signed by the president of said board, and attested by the clerk of said city, and shall be secured by a mortgage on said bridge and its net income and by the pledge of the faith of the city, and a tax which it shall be the duty of the council thereof annually to levy, sufficient, with said net income, to pay the interest and provide a sinking fund for the final redemption of said bonds. Provided, that no money shall be borrowed or bonds issued until after the question of constructing the bridge specified in the resolution shall be submitted to a vote of the qualified electors of said city at a general or special election to be ordered by the city council thereof of which not less than twenty (20) days' notice shall be given in at least two (2) daily papers of the city; and further provided, that a majority of said electors voting at such election, shall decide in favor of constructing said bridge, the return of said election shall be made to the city clerk and be by him laid before the city council, who shall declare the result by a resolution. The bonds issued under the authority of this section shall not be sold for less than their par value, and at such times and in such amounts as said trustees may determine.

SECTION 2. If a majority of the votes cast at said election shall be in favor of constructing a bridge, as specified in the first section, it shall be the duty of the solicitor forthwith to file a petition in the court of common pleas of the county in which said city is situated, praying that a judge thereof will appoint five trustees, to be called the trustees of the _____ bridge (the blank to be filled with the name given to the bridge in the resolution); and it shall be the duty of said judge to make the appointment and to enter the same on the minutes of the court. They shall enter into bond to the city in such sum as the court may direct, with one or more sufficient sureties, to be approved by the court, conditioned for the faithful discharge of their duties. The bond so taken shall be deposited with the treasurer of said city.

SECTION 3. The said trustees and their successors shall be the trustees of said fund, and shall have the control and disbursement of the same, and shall expend such fund in procuring the right to construct and in constructing said bridge with all the usual appendages; and for the

purposes aforesaid shall have power and capacity to make contracts, appoint, employ and pay officers and agents, and to acquire, hold and possess all the necessary real and personal property and franchises, either in this state or any other state into which said bridge may extend. They shall also have power to regulate the collection of tolls, receive donations of land, money, bonds and other personal property and to dispose of the same in aid of said fund. They shall also have the right to appropriate such real estate as they may deem necessary for approaches, piers and abutments.

SECTION 4. The said trustees shall form a board, and shall choose one of their number president, who shall also be the acting trustee, with such power as the board may by resolutions from time to time confer upon him. A majority of said trustees shall constitute a quorum, and shall hold regular meetings for the transaction of business, at their office in the city under whose action they are appointed. They shall keep a record of their proceedings, and they shall cause to be kept a full and accurate account of their receipts and disbursements, and make a report of the same to the city council annually, and whenever requested by a resolution of the city council. No money shall be drawn from said fund but upon the order of said board. And said trustees shall serve without compensation.

SECTION 5. Said trustees shall have power to take such security from any officer, agent or contractor, chosen, appointed or employed by them, as they shall deem advisable. They shall not become surety for any such officer, agent or contractor, or be interested directly or indirectly in any contract concerning said bridge.

SECTION 6. Whenever the city solicitor of any city under whose action a board of trustees has been appointed, as herein provided, shall have reason to believe that any one of said trustees has failed in the faithful performance of his trust, it shall be his duty to apply to the court that appointed said trustee, by petition, praying that such trustee be removed and another appointed in his place; and when a vacancy shall occur in said board from any other cause, it shall be filled in like manner. If the said city solicitor shall fail to make application in either of the foregoing cases, after request of any holder of the bonds issued by said trustees, or by a taxpayer of the corporation, such bondholder or taxpayer may file a petition in his own name on behalf of the holders of such bonds for like relief, in said court, and if the court shall adjudge in favor of the plaintiff, he shall be allowed as part of his costs a reasonable compensation to his attorney.

SECTION 7. The city council of any city passing a resolution as provided in the first section, may appropriate and pay to the said trustees out of the general fund of said city such sum as may be necessary for defraying the expenses of the election, and said sum shall be repaid out of said trust fund when raised.

SECTION 8. This act shall take effect on its passage.

HARRY C. MASON,

Speaker of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed April 21, 1898.

153L

[House Bill No. 421.]

AN ACT

To authorize cities of the first grade of the first class to issue bonds to pay for property to be hereafter condemned and appropriated for street purposes.

[CINCINNATI.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That in cities of the first grade of the first class, the board of administration or its successors, shall have the power to issue bonds in the name of such city and under the corporate seal thereof, in a sum not to exceed one hundred and sixty-five thousand (\$165,000) dollars, to provide a special fund to pay the costs and expenses of property to be hereafter condemned and appropriated to public use for the opening, widening or extending of any road, street, avenue or highway, and the improvement thereof in any such city. Said bonds shall be made payable not less than ten years nor more than twenty years from the date of their issue, bearing interest not exceeding four (4) per centum per annum, be signed by the president of such board of administration or its successors, and by the mayor of said city, and be attested by the city auditor of such city, and be secured by the pledge of the faith of such city, and by a tax which it shall be the duty of the board of legislation of such city annually to levy upon all the taxable property of such city, and to certify the same to the county auditor of the county in which such city is situated upon a certificate from such board of administration or its successors as to the amount necessary to pay the interest thereon, and to provide a sinking fund for the final redemption of said bonds. Said taxes shall be in addition to the amount authorized by law to be levied for municipal purposes.

SECTION 2. Said board of administration or its successors shall offer said bonds for sale to the sinking fund trustees of said city, and if said sinking fund trustees decline to accept the same, said board of administration or its successors shall then advertise said bonds for sale once a week for four consecutive weeks in a newspaper of general circulation in said city, and sell the same for not less than the par value thereof and accrued interest to the highest bidder. The money arising from the sale of said bonds shall be placed in a fund to be called the "special condemnation fund," and a careful account of said fund shall be kept by the city auditor.

SECTION 3. Said fund shall be used only for the purpose of paying the costs and expenses for property condemned and appropriated to public use for the opening, widening or extending of any such road, street, avenue or highway, and the improvement thereof, in such city the condemnation and appropriation and the improvement of which shall have received the recommendation of the board of administration or its successors of such city; and the said fund shall be paid out only upon a resolution passed by the board of administration or its successors of such city specially appropriating the same, and upon vouchers properly approved by said board of administration or its successors.

SECTION 4. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 21, 1898.

154L

[House Bill No. 436.]

AN ACT

To exempt citizens of Union county from the performance of certain labor on streets and public roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the citizens of Union county, Ohio, shall be, and they are hereby exempted from the performance of labor required under the provisions of an act entitled "An act to provide for the performance of labor on streets and public roads," passed April 16, 1896 (O. L., vol. 92, pages 162-165).

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 21, 1898.

155L

[House Bill No. 666.]

AN ACT

To create, organize and regulate the board of education of subdistrict number ten (10) of Cynthian township, Shelby county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of subdistrict number ten (10) of Cynthian township, Shelby county, Ohio, as now constituted, shall consist of three members, who shall be residents of the district and have the qualifications of an elector therein.

SECTION 2. There shall be elected by ballot, annually, on the second Monday of April, in said subdistrict, by the qualified electors thereof, at the usual time and place of holding school elections in such subdistrict, one judicious and competent person to serve as a member of the board for three years from the first Monday succeeding his election, and until the election and qualification of his successor; provided, however, that the first election for members of the board, after the passage of this act, shall be held within twenty days after such passage, at least five days previous notice of which, stating the time and place of meeting, and signed by at least three electors of the district, shall be posted in three of the most conspicuous places in the district; at such meeting a chairman and clerk shall be chosen, and there shall be elected three members of

the board, one to serve until the third Monday in April next succeeding his election, and one to serve for one year and one for two years from said third Monday, and each to serve until the election and qualification of his successor.

SECTION 3. The directors of such subdistrict, two of whom shall constitute a quorum, shall meet within five days after the third Monday of April each year, at such place as may be most convenient in the subdistrict, and organize by appointing one of their number clerk of the subdistrict who shall preside at the official meetings of the directors and record their proceedings in a book to be provided for that purpose together with the minutes of the proceedings of the annual school meetings held in the subdistrict by the electors thereof, which shall be a public record; all such proceedings when so recorded shall be signed by the clerk; the directors may meet as frequently as they deem necessary for the transaction of business, and may fill vacancies in the office of clerk, or if the clerk be absent, either of the other directors may officiate temporarily in his absence; but no business shall be transacted at a meeting of which due notice has not been given to each of the directors of the subdistrict, either personally or by a written notice left at his residence or usual place of business; and except as otherwise provided in this act, the said subdistrict shall be governed by such laws as now are or may hereafter be in force relating to the common schools in township districts.

SECTION 4. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives
ASAHEL W. JONES,
President of the Senate
156L

Passed April 21, 1898.

[House Bill No. 787.]

AN ACT

To authorize the county commissioners of Columbiana county to levy an additional tax for the purpose of repairing damage done to bridges and roads by floods of 1897 and 1898.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That the commissioners of Columbiana county, be and they are hereby authorized, at their June session, 1898, to levy not to exceed one mill upon each dollar of the taxable property of the county, for the purpose of repairing damage done to bridges and roads by the floods of 1897 and 1898, in addition to the levy now authorized by law, the same to be entered on the duplicate of said county, and collected as other taxes.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives
ASAHEL W. JONES,
President of the Senate
157L

Passed April 21, 1898.

[House Bill No. 729.]

AN ACT

To provide for payment for lighting certain bridges of Butler county, Ohio, payment for which is not otherwise provided.

WHEREAS, The commissioners of Butler county have incurred a debt of one hundred and thirty-two and 80-100 (\$132.80) dollars for lighting bridges in Butler county, which was absolutely necessary for the safety of the public; and,

WHEREAS, There is a question in the mind of the auditor of the county as to the authority to pay the same, under the bridge lighting laws of the state, as they existed at the time of incurring said obligation; and,

WHEREAS, Since incurring said obligation payment for lighting said bridges has, by general law, been provided for; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Butler county, Ohio, are hereby authorized and required to pay said sum of one hundred and thirty-two and 80-100 (\$132.80) dollars out of the bridge funds for the lighting of all bridges in said county, which have prior to the date of this act been lighted under the order and direction of the commissioners of said county, but payment for which has not been made and cannot be made under any of the existing laws.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.
158L

Passed April 21, 1898.

[House Bill No. 685.]

AN ACT

To authorize the board of education of Bradford special school district of Darke and Miami counties, Ohio, to issue bonds for the redemption of other bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the Bradford special school district of Darke and Miami counties, Ohio, for the purpose of raising money to redeem the bonds of said special school district issued under the special act of March 31, 1881, and now outstanding, be and they are hereby authorized to issue bonds of said special school district of Bradford, Darke and Miami counties, Ohio, in sums of not less than one hundred dollars each and not to exceed the amount of fourteen thousand dollars, and at a rate of interest not to exceed six per centum, interest payable semi-annually in January and July, said bonds to be made payable in a period of time not exceeding fifteen years and redeemable at the pleasure of the board after three years.

SECTION 2. Said bonds shall have coupons attached and be signed by the clerk and president of the board, who shall keep a record of the bonds sold, to whom sold and when payable. Said bonds shall be negotiable and shall not be disposed of at less than their face value.

SECTION 3. That said board of education is hereby authorized to levy a tax to pay said bonds and the interest thereon, and to certify the fact to the auditors of Darke and Miami counties, Ohio, and said auditors shall cause said sums so levied or certified by said board to be necessary to be levied upon the taxable property of said special district, and the same shall be collected as other taxes, paid out by said auditors to the special treasurer to be elected by the board outside of their number, who shall give bond acceptable to said board for the faithful performance of his duties, and which shall be to receive the money so collected from the said auditors and pay said money on said bonded indebtedness, and settle with the said auditors in September of each year, and he shall serve without pay; provided, that said sum so levied shall not exceed in any one year ten mills on the dollar of the valuation of the taxable property of said special district in addition to that now or which may be hereafter authorized by law to be raised for school and school-house purposes. No part of said money so raised by such levy shall be used for any other purpose than the payment of said bonds and the interest thereon, and no part of the money received from the sale of said bonds authorized herein shall be used for any other purpose than the redemption of said bonds for which such new issue is made.

SECTION 4. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives

ASAHEL W. JONES,
President of the Senate
159L

Passed April 21, 1898.

[House Bill No. 643.]

AN ACT

Relative to the duties and compensation of certain county officers of Brown county

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That in Brown county the compensation of officers hereafter elected shall be by annual salary exclusively, except as otherwise provided in sections six and nine of this act, as follows: The auditor, twenty-two hundred dollars; the probate judge and clerk of the court of common pleas, eighteen hundred dollars each; the treasurer, two thousand dollars; the sheriff, twenty-one hundred dollars; the recorder and the prosecuting attorney, twelve hundred dollars each; the coroner, two hundred dollars each; each county commissioner, nine hundred dollars; each infirmary director, one hundred and fifty dollars; and neither of said officers shall receive nor agree to receive, directly or indirectly, any additional compensation from any source whatever for the performance or omission of any official duty; provided, however, that the auditor, probate judge, treasurer, sheriff and each county commissioner, when necessary to go out of the

county on official business connected with their respective duties, may each in addition to his salary, charge and receive his actual expenses of transportation to and from the county seat and no more; which expenses shall be paid by the county on the warrant of the auditor, on first producing to the auditor an itemized account therefor, approved, in writing, by the prosecuting attorney. All such salaries shall be paid by the county in equal monthly installments out of the county treasury, on the warrant of the auditor; but if any such officer shall die, resign or be removed from office, his compensation shall cease at the time of his death, resignation or removal; and no compensation shall be paid by the county to any deputy, clerk, or other employe of such officers.

SECTION 2. All fees, costs, percentages, penalties, allowances and other perquisites which are now or may hereafter be allowed by law for the performance of official duty by the auditor, probate judge, clerk of the court of common pleas, treasurer, sheriff, recorder, or prosecuting attorney, or by the sheriff, as a special master commissioner, or as receiver in any case, shall, when collected, be for the sole use of the county, except as otherwise provided in sections six and nine, and the total receipts thereof each calendar month by each of said officers, shall, except as otherwise provided in section five, be paid by him to the county treasurer at the close of business on the last business day of each month, and be duly receipted and accounted for by the treasurer; and said officers shall keep full and accurate accounts in books to be provided for that purpose, showing all fees, costs, percentages, penalties, allowances and other perquisites that accrue to his office, and by whom paid to him each day and the amounts paid to the treasurer each month and the amount due and unpaid, and also the name of each person or party liable for any part of such as are due and unpaid, and the amount due from each; provided, that such fees, costs, percentages, penalties, allowances and other perquisites in cases pending in court, shall not be deemed to be earned or to have accrued within the meaning of this act, until final judgment, except in habeas corpus and divorce cases.

SECTION 3. Each officer mentioned in section two shall, on the first business day of each month, file with the county commissioners, a statement verified by his affidavit, showing the full receipts daily by him for the preceding month (and the total for the month) from each of the sources specified in the preceding section, and also a statement verified as aforesaid, showing the full amount of all fees, costs, percentages, penalties, allowances and other perquisites accrued to his office and not paid to him, and the name of each person or party liable for any part thereof, and the amount due from each; and each statement after the first, of the amounts due and unpaid, shall begin with the showing of the amount theretofore reported due and unpaid, and what portion thereof has been paid during the month covered by the report. And on the day his term of office expires, he shall file with the commissioners like statements, showing such receipts daily since his last statements, and such amounts due and unpaid up to that time.

SECTION 4. It shall be the duty of the county commissioners to see that the provisions of this act are faithfully complied with and observed; and all statements required by the preceding sections to be filed with them shall be carefully preserved, and shall be subject to public inspection during all official business hours; and the account books

provided by section two shall be subject to like inspection, and shall remain in the respective offices where kept, and at the expiration of the term of any officer named in section two shall be turned over to his successor in office.

SECTION 5. Each officer mentioned in section two shall exercise due vigilance in the collection of fees, costs, percentages, penalties, allowances and other perquisites accruing to his office, and shall, where authorized by law, collect the same before or at the time they are earned; but the county commissioners may, by order entered on their journal and certified to the treasurer, authorize the treasurer to omit for thirty days to enforce payment of penalties for the non-payment of taxes within the time limited by law; and the treasurer shall not be required to report to the commissioners in his statements required by section three the percentages allowed him by law on taxes collected, except in his statements next following his semi-annual settlements with the auditor.

SECTION 6. The sheriff shall be allowed to retain for his own use whatever money he may receive under any contract with the county commissioners for keeping and providing for prisoners in the county jail; but in making such contract the commissioners shall specify in general terms the manner in which such prisoners shall be kept and provided for and shall see that the terms are fully complied with.

SECTION 7. Nothing in this act shall be construed to vest in any officer mentioned in section one such fees, costs, percentages, penalties, allowances and other perquisites as are unpaid at the end of their respective terms, but the same shall be the property of the county to be collected by their successors in office, and applied as provided in this act; but fees, costs, percentages, penalties, allowances and other perquisites that accrue to said officers prior to the taking effect of this act shall not be affected thereby.

SECTION 8. All money paid to the county treasurer in pursuance of this act shall be by him credited to the general fund of the county, and all warrants issued by the county auditor in pursuance thereof shall be drawn upon said fund.

SECTION 9. All accounts of costs and fees due to any of the officers named in section one of this act, which remain unpaid for one year shall, by such officer, be transferred to the prosecuting attorney for collection, who shall, on the first Monday in each month, pay over to the officer for whom the collection is made all moneys which may have come into his hands; such officer shall give the prosecuting attorney a receipt for the amount paid over and enter a statement of such payment in the books of his office; and execution shall be issued on the precipi of such prosecuting attorney to enforce the payment of all such accounts to him transferred for collection. The prosecuting attorney shall report to the officer from whom he may have received any such accounts on the first Monday of each month, a full statement of all accounts still in his hands uncollected. For such services the prosecuting attorney shall, in addition to the salary provided in section one, receive five per centum on all accounts so collected by him; and where the same is collected by the sheriff on execution issued on the precipi of the prosecuting attorney, the sheriff, in addition to his salary provided in section one, shall be allowed to retain five per centum of the amount actually paid to him on such execution, and no more; and all sums so received

the sheriff shall be paid by him to the prosecuting attorney, less five per centum thereof, to be accounted for by the prosecuting attorney as herein provided.

SECTION 10. If any officer mentioned in section one wilfully fail or refuse to perform faithfully and promptly any duty required of him by this act, or knowingly violates any provision thereof, or wilfully makes any false or fraudulent showing in any statement thereby required of him, or in any account book provided for herein, he shall be fined in any sum not more than five thousand dollars, or be imprisoned in the penitentiary not less than one year nor more than five, or both. The penalties herein provided for against said officers shall be in addition to penalties provided by existing statutes; and the fines imposed by this section shall be paid into the county treasury, to the credit of the general fund of the county.

SECTION 11. The official bond required by law heretofore or hereafter taken from any of said officers shall be deemed to make the parties to the same liable for any violation on the part of the officers for whom they are sureties of any of the provisions of this act, and for the faithful performance of all the duties required thereby.

SECTION 12. Any provision of statute in force when this act takes effect, which conflicts with any provision of this act, to the extent that it is inconsistent with the latter, and not otherwise, be held to be superceded by this act as to the said county of Brown, but other provisions of statute so in force relating to county officers and county affairs shall not be affected by this act.

SECTION 13. This act shall take effect from and after its passage.

HARRY C. MASON,

Speaker of the House of Representatives.

ASAHIEL W. JONES,

President of the Senate.

Passed April 21, 1898.

160L

[House Bill No. 444.]

AN ACT

To provide for jail matrons in county jails in all counties having a city of the second grade of the first class.

[CUYAHOGA COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in all counties having a city of the second grade of the first class, the sheriff of such county shall appoint two matrons whose duties shall be to have charge over and to care for all female and minor persons who may be at any time confined in the jail of such county.

SECTION 2. The county commissioners of any such county named in section one (1) shall provide suitable quarters in said jail for the use and convenience of said matrons while on duty. One of said matrons shall be on duty in said jail at all times, and shall have surveillance over and shall hold the keys to the apartments or cells which such female or minor prisoners are confined or retained.

SECTION 3. The compensation of said matrons shall be fixed by the county commissioners, not to be less than sixty (\$60) dollars per month nor more than seventy-five (\$75) dollars per month, payable monthly out of the fee fund of said county, and said matrons shall not be removed from office except for negligence, inattention to duty, mistreatment of prisoners, or for conduct unbecoming to any person holding such positions, and then only when such charge has been proven before, and sustained by the judge of the court of common pleas of said county.

SECTION 4. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives
 ASAHIEL W. JONES,
President of the Senate
 161L

Passed April 21, 1898.

[House Bill No. 642.]

AN ACT

To authorize the township trustees of certain townships in the state of Ohio to levy taxes therefor, and purchase material and improve roads.

[VAN WERT COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That the township trustees of any township, situate within any county in this state, which at the last federal census had, or at any succeeding census may have a population of not less than 29,050, and not more than 29,800, may at any general or special election submit to the qualified electors of said township the question whether the public roads in said township shall be improved by macadamizing or piking; the ballots to be used at such election, shall have printed thereon the words "Road improvement — Yes" or "Road improvement — No;" if a majority of the votes cast at such election are in favor of said road improvement, the trustees of any such township are hereby authorized to levy upon all the taxable, real and personal property within the bounds of such township, a tax for such purposes, not to exceed the sum of 1 mill on each dollar valuation, in any one year, proceeds of which shall be used in the improvement of the roads in said township in macadamizing or graveling the same; notice of said election shall be given by written or printed notice, set up in at least five public places, within said township for a period of not less than ten days, prior to the date of said election; said election shall be held at the usual voting places in said township, and held under the provisions of the election laws of the state of Ohio; should a majority of the votes cast, at said election be against said improvement, no further proceedings shall be had, but thereafter on the petition of at least fifty taxpayers, in said township the trustees thereof may resubmit said question to the voters of said township.

SECTION 2. The trustees may levy said tax for a period not exceeding twenty years, should the vote cast at such election be in favor of said road improvement. The proceeds arising from the levy of said

tax shall be used by the trustees of said township in macadamizing or graveling and repair of public roads, in said township, under the direction and management of the township trustees thereof.

SECTION 3. Said trustees may employ engineers and such other agents as they may deem necessary to assist them in the discharge of their duties; the clerk of said township shall keep a record of the proceedings of the trustees, which shall at all times be open for inspection; the trustees may purchase and procure all necessary implements and fixtures; they may contract for and purchase all material that may be necessary for the construction and repair of said improvements; they shall see that proper materials are used and the work properly performed.

SECTION 4. So much of the taxes annually levied, for road purposes, by the trustees of the township, including the two days' labor authorized by law, shall be applied in the improvement and repair of the public roads of such township, under the direction of said trustees. Whenever said trustees are proceeding in accordance with the provisions of this act, all the taxable, real and personal property, within such township, shall be exempt from any levy, by the county commissioners of such county, for the purpose of constructing, macadamizing or improving roads, but said township shall constitute a separate road district.

SECTION 5. Said township trustees may issue certificates to persons owing extra taxes herein provided for, for labor performed or materials furnished in [the] macadamizing, the graveling, improving or repairing of such roads in the discharge of the same, and such certificates shall be receivable by the county treasurer in payment of such extra tax.

SECTION 6. The contracts for material and the contracts for labor shall be let separately upon public notice of the time and place of such letting, given in a newspaper of general circulation in such township, for at least two weeks, specifying the kind and quality of material, and the road for which the same is to be used. All contracts are to be let to the lowest responsible bidder who shall give proper bond, and the trustees may reject any bids. The township trustees shall be allowed one dollar and fifty cents per day, for each day actually employed, under the provisions of this act; officers required to perform services by this act shall receive such fees as are allowed by law for similar services; other agents shall receive such pay as shall be determined by the trustees.

SECTION 7. The provisions of this act shall also apply to any township in which there is now a special pike district, and in such townships having a special pike district within its boundaries the question of improving such public road shall be submitted to the qualified electors of that portion of said township lying and being without the boundary of the said special pike district and such tax shall be levied upon all the taxable, real and personal property within the boundaries of such township not lying and being within such special pike district.

SECTION 8. This act shall be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 21, 1898.

162L

[House Bill No. 817.]

AN ACT

To authorize the council of the city of Cambridge to issue bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That the council of the city of Cambridge, Ohio, be and the same is hereby authorized to issue the bonds of said city in a sum not exceeding nine thousand dollars (\$9,000), bearing interest at the rate of four and one-half per cent. per annum from date of issue, payable semi-annually. The amount realized from said bonds to be applied to the payment of the costs and expenses of constructing a trunk sewer and sewers in the intersections of streets and alleys in said city.

SECTION 2. That the council of the city of Cambridge, Ohio, and the same is hereby authorized to issue the bonds of said city in a sum not exceeding nine thousand dollars (\$9,000), bearing interest at the rate of four and one-half per cent. per annum from date of issue, payable semi-annually. The amount realized from the sale of said bonds to be applied to the payment of the costs and expenses of constructing street pavements in the intersections of streets and alleys, and the other costs and expenses of street paving which said city will be required to pay.

SECTION 3. For the purpose of paying the interest on said bonds until said bonds become due, said council of said city is authorized and empowered to levy on all the taxable property of said city, a tax to exceed one-half of one mill in each year for which said indebtedness shall run.

SECTION 4. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives
ASAHEL W. JONES,
President of the Senate
163L

Passed April 21, 1898.

[House Bill No. 334.]

AN ACT

To extend the limits of the special school district of Carroll, Fairfield county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That certain lands shall be included in the special school district of Carroll, Fairfield county, Ohio, and shall be taken from the following townships of Fairfield county, Ohio, viz.: From Violet township, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100; from Bloom township, 606; from Greenfield township, 883; from Liberty township, 296; making in all 1931 acres, more or less. And the limits of said special school district shall be bounded and described as follows: Beginning at a stone at the northwest corner of the southeast quarter of section 36, township 15, range 20, in the county of Fairfield, Ohio; thence south on the half section line to a stone on the section and township line between the townships of Violet and Bloom in Fairfield county; thence south on the half section line across section No. 1

Bloom township, to the north line of section 12 in said township; thence west with said section line to the west line of Jane Benson's land; thence south with said Benson's west line to the Lancaster and Winchester pike; thence west on said pike to the west line of Benjamin F. Coffman's land; thence south with said Coffman's west line to the north line of section 13 of said township; thence east on said section line to the lands of W. Holmes; thence south to the southwest corner of said Holmes' land; thence east to the township line between Bloom and Greenfield townships; thence south with said township line to the southwest corner of the lands of John Wilson's estate; thence east with said Wilson's south line to the east line of section 18 in said Greenfield township, the same being the west line of E. E. Mason's estate; thence northeast with the south line of the said Mason land to the east line of H. D. Drum's land, the same being the half section line of section 17 of said Greenfield township; thence north on said half section line to the center of said section 17; thence east on the half section line to the southeast corner of J. Grubb's land; thence north, then east with said Grubb's line to the east line of said section 17; thence north with said section line to the northeast corner of same; thence west with the north line of said section 17 to the lands of L. Coffman; thence north with the east line of said Coffman to his northeast corner; thence west with said Coffman's north line to the east line of G. Metzger's land; thence north with the east line of said Metzger's land to the lands of Eli Bates; thence east, then north with said Bates' line to the north line of section 8 of said township; thence east to the southeast corner of J. Wilbert's land; thence north on the county road to the north line of section 5 in said township; thence west on the township line between Greenfield and Liberty townships to the east line of E. Shaeffer's land in section 31, Liberty township; thence north with said Shaeffer's east line to the northeast corner of same; thence westward with the line of said Shaeffer and J. Struckman's north line to the west line of said section 31, also the township line between Liberty and Violet townships; thence south to the half section corner, the lands of Mary Dunlap; thence west on the half section line to the beginning.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 21, 1898.

164L

[House Bill No. 565.]

AN ACT

For the relief of Jonas Lynn, treasurer of special school district, No. 2, township of Beaver, county of Mahoning and state of Ohio.

WHEREAS, On the first day of December, 1896, Jonas Lynn was treasurer of special school district No. 2 in Beaver township, county of Mahoning and state of Ohio, and as such treasurer had on deposit with the banking firm of J. Esterly and Co., in the village of Columbiana,

Ohio, the sum of one hundred and twenty-nine dollars and ninety-t cents.

WHEREAS, On the first day of December, 1896, J. Esterly, the manager and principal owner of said banking institution of J. Esterly and Co., died, and that said bank was not opened from the death of said J. Esterly until after receivers were appointed to wind up the affairs of said company on the twenty-first day of December, 1896.

WHEREAS, The receivers of said banking company will not be able to realize on the assets coming into their hands a sufficient amount to pay the liabilities of said banking company in full.

WHEREAS, The said Jonas Lynn, treasurer as aforesaid, was not furnished with and did not have a proper safe in which to keep said funds.

WHEREAS, The said banking institution of J. Esterly and Co., did a large and seemingly prosperous banking business; had on deposit a large amount of money and enjoyed the confidence of the people in the community in which they did business.

WHEREAS, There is in the treasury in said special school district No. 2, aforesaid, funds sufficient that it will not be necessary to levy an additional tax to carry into effect the provisions of this act.

WHEREAS, Eighty-six per cent. of the electors and eighty-nine per cent. of the tax-paying electors of said special school district No. 2, have by their petition expressed a desire to have the said Jonas Lynn released from the payment of his official bond released from any loss or liability growing out of the failure of said banking company; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That Jonas Lynn, as treasurer of special school district No. 2, in Beavertown township, Mahoning county, and the state of Ohio, and the sureties on his official bond as such treasurer, be and the same are hereby relieved from the payment to said special school district No. 2, or either or any of the said officers thereof, whatever part of the said sum of one hundred and twenty-nine dollars and ninety-two cents shall remain unpaid of the said Jonas Lynn from the said receivers of the said banking company upon the settlement of its affairs.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,

Speaker of the House of Representatives

ASAHEL W. JONES,

President of the Senate

165L

Passed April 21, 1898.

[House Bill No. 585.]

AN ACT

To authorize the board of education of Youngstown city school district, Mahoning county, Ohio, to increase the levy for the purpose of paying off the indebtedness and continuing the schools in said district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That the board of education, of the Youngstown city school district, in the county of Mahoning, be and they are hereby authorized to levy

tax not to exceed three mills on the dollar annually, on all the taxable property in said district[s], in addition to the levy now authorized by law for the continuance of the schools in said district, said tax to be levied and collected in the same manner as taxes for the common school funds are levied and collected.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
166L

Passed April 21, 1898.

[House Bill No. 645.]

AN ACT

To establish a special school district in Marion township, Allen county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That a special school district in the township of Marion, county of Allen and state of Ohio, to be known as the Landeck special school district, be and the same is hereby established in and of the following described territory, to wit: Beginning at the northwest corner of section three (3) Marion township, Allen county, Ohio, on the county line between Allen and Van Wert counties; thence east on said line to the Miami and Erie canal; thence south on said canal to the southeast corner of the northeast quarter of section thirteen (13) in Spencer township, Allen county, Ohio; thence west on said road one mile to the Delphos and Spencerville pike; thence south on said pike one mile to the southeast corner of the northeast quarter of section twenty-three (23) in Spencer township, Allen county, Ohio; thence west on said line two (2) miles to the Van Wert county east line; thence north on said county line to the place of beginning.

SECTION 2. Said special school district shall be entitled to receive its proportionate share of the school funds, and the funds levied for incidental expenses in accordance with the enumeration of 1897 school children entitled to attend school, said funds being those now collected within the township or county treasuries, but this provision shall be subject to the limitation contained in the succeeding section of this act. Said special school district shall be governed by such as are now, or may hereafter be in force relating to special school districts.

SECTION 3. This act shall take effect and be in force from and after its passage, but it is not to affect any existing contracts of the board of education of said township pertaining to the schools now existing therein, but said existing contracts, if any, shall be executed according to the terms thereof.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
167L

Passed April 21, 1898.

[Senate Bill No. 385.]

AN ACT

To amend an act entitled "An act to authorize the commissioners of any county containing a city of the second grade of the second class, to levy an additional tax for general or county purposes," passed May 9, 1894 (O. L., vol. 91, page 716), and an act entitled "An act to regulate the levying of taxes for judiciary purposes in certain counties," passed April 27, 1896 (O. L., vol. 92, page 685).

[MONTGOMERY COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That section 1 of an act entitled "An act to authorize the commissioners of any county containing a city of the second grade of the second class, to levy an additional tax for general or county purposes," passed May 9, 1894, be and is hereby amended so as to read as follows:

Sec. 1. That the county commissioners of any county containing a city of the second grade of the second class, be and they are hereby authorized to levy annually, upon all the taxable property of such county a tax not exceeding eight-tenths of one mill on the dollar on all the taxable property of said county, in addition to the taxes now or hereafter authorized by law, for general or county purposes of such county, and the commissioners of such county are authorized to transfer money from the fund herein provided for, to the judiciary fund of such county, at any occasion or necessity may from time to time require.

SECTION 2. That section 1 of an act entitled "An act to regulate the levying of taxes for judiciary purposes in certain counties," passed April 27, 1896, be and is hereby amended so as to read as follows:

Sec. 1. That in addition to other levies authorized by law it will be the duty of the commissioners of any county of the state of Ohio containing a city of the second grade of the second class, and they are hereby authorized at their June session annually, to levy on each dollar of the valuation of taxable property within such county, not to exceed one mill, for judiciary purposes, the proceeds of such levy to be placed in a separate fund to be called the judiciary fund. Said fund shall be applied to the payment of all court expenses, including salaries of judges, official stenographers, coroner's fees, all justices, mayor, constable and witness fees, and all other expenses incidental to the administration of justice in said county, and any other expenses ordered by any and all courts of said county.

SECTION 3. That said original acts be and the same are hereby repealed.

SECTION 4. That this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 21, 1898.

168L

[Senate Bill No. 296.]

AN ACT

To regulate the time of running of street cars over street-railways in cities of the first grade of the first class.

[CINCINNATI.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That all street-railway companies owning and operating a street-railway, in whole or in part, in cities of the first grade of the first class, whether operated by electricity, cable, compressed air, or any motive power other than horses or mules, shall run and operate street-cars, which shall be open for passenger traffic, over and upon that part of said street-railway lying and situated in said cities of the first grade of the first class, at no greater intervals than one hour, both night and day, on each day of the week; and any street railway company violating the provisions of this act, shall, upon conviction, be fined in any sum not less than twenty-five (\$25) dollars, nor more than one hundred (\$100) dollars per day that such street-railway company shall fail to run its cars over and upon said railway at the intervals required in this act; and it is hereby made the duty of the prosecuting attorney of each county of this state containing a city of the first grade of the first class to institute the necessary proceedings to enforce the provisions of this act.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 21, 1898.

169L

[Senate Bill No. 441.]

AN ACT

For the relief of the estate of John G. Birk, late treasurer of Crawford county, Ohio.

WHEREAS, John G. Birk was duly elected, qualified, and served as county treasurer of Crawford county two terms, the first term commencing September 2, 1872, and the second term two years thereafter; and,

WHEREAS, It is claimed that during his said two terms of office he became and was entitled to the legal fees hereinafter stated, which, by reason of certain errors and omissions made by the county auditor of said county, were not allowed and paid to him, and the same have not been paid to him during his life time, nor to his estate since his death, to wit: For the year 1874, \$1,194.23; for the year 1875, \$1,332.76; for the year 1876, \$1,300.23; total, \$3,827.22; and,

WHEREAS, Said errors and omissions were not discovered by said John G. Birk during his lifetime, and has only come to the knowledge of his administrator and his heirs within the last year; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That upon the petition of the administrator of said estate filed in court of common pleas of said county, and after thirty days' notice to the prosecuting attorney of said county, said court of common pleas shall appoint a special master commissioner, who shall examine said claim and report all the testimony offered in support thereof and agree the same to said court, together with his findings of facts thereon.

SECTION 2. Upon the filing of said report, the prosecuting attorney may except thereto, and may offer testimony in support of such exceptions, and the administrator may offer testimony to sustain said report, and the court shall thereupon find whether the errors and omissions alleged herein occurred, and the amount, if any, due said estate on account of the reason thereof, and shall cause such finding to be entered upon the journal of the court, and the clerk of said court shall thereupon certify said entry to the county commissioners of said county. Said court shall make such order as to costs as shall be just and reasonable.

SECTION 3. Either the administrator of said estate, or the prosecuting attorney may except to the decision of said court and the same may be reviewed in the circuit court by proceeding in error.

SECTION 4. If the final decision shall be in favor of the administrator of said estate, the county commissioners shall order the county auditor to draw his warrant upon the county treasurer in favor of said administrator for the amount so as aforesaid certified to be due.

SECTION 5. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives

ASAHIEL W. JONES,
President of the Senate
170L

Passed April 21, 1898.

[Senate Bill No. 332.]

AN ACT

For the relief of Francis M. Ranck and others for services rendered the county commissioners of Franklin county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio* That the board of county commissioners of Franklin county, be and they are hereby authorized, directed and empowered to pay out of the general revenue fund, for services rendered as janitors at and for the common house of Franklin county for the months of February and March, 1898, to the following named persons, the respective sums herein mentioned to wit: Francis M. Ranck, one hundred and sixty dollars; Thomas Murnane, one hundred and sixty dollars; John Crenane, one hundred and thirty dollars; Adam Reeb, one hundred and ten dollars; Henry Pryor, one hundred and ten dollars; Lewis Sarber, one hundred and ten dollars; Jerry Conroy, one hundred and ten dollars; Edward Franklin, one hundred and ten dollars; George E. Jacobs, one hundred and ten dollars; estate of John Helmbrecht, thirty-two dollars and fifty cents; said sums to be paid on the order of the auditor of said county.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.
171L

Passed April 21, 1898.

[Senate Bill No. 439.]

AN ACT

To authorize the trustees of Pleasant township, Hardin county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Pleasant township, Hardin county, Ohio, be and they are hereby authorized to transfer two thousand dollars (\$2,000) of the poor fund of said township as follows: Five hundred dollars (\$500) of said fund to the bridge fund, and fifteen hundred dollars (\$1,500) of said fund to the general township fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.
172L

Passed April 21, 1898.

[Senate Bill No. 507.]

AN ACT

To authorize the commissioners of Cuyahoga county to acquire a site and erect new county buildings thereon.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Cuyahoga county, Ohio, be authorized to issue and sell bonds of such county, to be known and designated as "county building bonds," in a sum not exceeding one million five hundred thousand dollars (\$1,500,000), and in denominations of not less than \$1,000, and to bear interest at a rate not to exceed four per centum per annum, payable semi-annually, as such county commissioners may determine in the manner prescribed by law, and which bonds shall be payable fifty years from date, and may be redeemed after thirty years from the date of their issue at the option of the commissioners of such county.

SECTION 2. The commissioners of such county are hereby authorized, from the funds derived from the sale of such bonds, to expend such part thereof as they shall deem necessary to acquire a site, and erect, equip and furnish new county buildings for such county, upon the terms, conditions, limitations and restrictions hereinafter mentioned, and sub-

ject to the general laws regulating the erection of public buildings within this state, which do not conflict or are at variance with this act.

SECTION 3. The bonds so authorized to be issued as aforesaid, shall be signed by the county commissioners and countersigned by the county auditor, and shall be sold for not less than par and accrued interest and in the manner provided by law.

SECTION 4. The commissioners of such county, for the purpose of paying the interest and principal of such bonds, shall annually, at their June session, levy not exceeding one mill on the dollar upon all the taxable property in such county, in addition to all other taxes authorized to be levied by law, a sum sufficient to pay the interest on such indebtedness, and create a sinking fund for the redemption of such bonds as may be redeemed at the option of the county commissioners after thirty years from the date of the same.

SECTION 5. Should the commissioners of such county neglect or refuse to levy such taxes regularly at the times herein provided, the county auditor shall levy and place upon such taxable property the amount necessary for the purpose aforesaid, and place the same upon the tax duplicate to be collected by the treasurer of such county.

SECTION 6. All taxes levied and collected under this act for the purpose of such sinking fund shall at each semi-annual settlement with the county treasurer be reported by the county auditor to the county commissioners and by the county auditor placed in a separate fund to be known as the "county buildings sinking fund," and together with any interest thereon shall be loaned out by the county commissioners at such a rate of interest as may be for the best interests of the county; and all interest on such money shall be placed to the credit of such sinking fund and become a part of the same. All moneys belonging to such sinking fund shall be applied only to the payment of the obligations for which such taxes are levied, and shall be diverted to no other use.

SECTION 7. The judges of the common pleas court of such county shall appoint three citizens, residents of such county, all of whom shall not belong to the same political party, who shall act with the commissioners of such county, and with them compose a county buildings commission for the selection and purchase of a site, the approving of plans and specifications for such county buildings, for the sale of the bonds provided for in this act, and for the letting of any and all contracts for the whole or any part of the work or material used in constructing, equipping and furnishing of such county buildings, and shall be notified of and shall sit, act and vote at all meetings of such commissioners when any matter is to be considered or acted upon by such commissioners in any way connected with the sale of bonds, for the location or purchase of a site and the erection, equipping and furnishing of such county buildings, and may enter into all discussions relating to any part of the same, and shall have free access at all times to all books, papers, contracts, or memorandums pertaining thereto as freely and fully as such commissioners. No act of such commission involving the expenditure of money shall be valid unless it shall be approved by at least four of its members upon a call of the "yeas" and "nays," duly entered on its journal.

SECTION 8. Such three citizens shall also examine the work upon such county buildings from time to time as it progresses, and with sufficient frequency to be fully advised as to the class of work being done

thereon, and shall call attention of each of such county commissioners, and of the superintendents, and of the architects of such building, and of the county solicitor of such county, to any defect in material or workmanship which they, or either of them, may observe, and to any act which they, or either of them, deem wrong or unjust to such county; and they shall each receive as compensation for such labor and service the sum of one hundred dollars per month, to be paid from such county building fund upon the warrant of the auditor of such county drawn upon the treasurer of such county; and such compensation to continue until such buildings are completed, equipped, furnished and accepted by such county buildings commission; it being the intention hereof that in all matters pertaining to the location, and purchase of a site to the approval of the original plans and specifications for such county buildings, and any change or alteration therein, and in any and all matters affecting or connected with the sale of bonds, acceptance of bids, approving of plans, estimates and contracts, or otherwise, except the signing of any bonds issued, such three citizens shall each have the same authority as any one of such county commissioners.

SECTION 9. Such three citizens shall, before entering upon the discharge of their duties as herein provided, give a good and sufficient bond to such county, conditioned for the faithful discharge of their duties under this act, and to the acceptance of the county solicitor of such county, in the same sum as that required of the county commissioners and take an oath similar thereto for the faithful discharge of their duties.

SECTION 10. In case a vacancy occur in such commission by reason of the death, resignation, removal or otherwise, of either of such three citizens, the vacancy so created shall be filled by appointment by the judges of the common pleas court.

SECTION 11. There shall be a superintendent employed by such county buildings commission who shall give a bond conditioned according to law in the sum of ten thousand dollars, for the faithful performance of his duties, and shall devote his whole time and attention to the superintending the erection, equipment and furnishing of such county buildings, and to seeing that all specifications and terms of contract as to materials, workmanship, and in every other respect, are fully kept and performed, and that the county is fully protected against all losses which might arise from negligence or dishonesty of contractors or their employes; and he shall receive as compensation for such services the sum of two thousand five hundred dollars per annum, to be paid him in equal monthly installments on the warrant of the county auditor, by the treasurer of such county from such county building fund.

SECTION 12. The superintendent and the architect in addition to the reports in writing required in section fourteen shall, at the same time, or oftener if so required by the county solicitor of such county, make similar reports to him, and in such case each of them shall, without delay, report to him in writing any departure from the plans and specifications which they may discover or which may come to their knowledge, and upon the failure, if such there be, of such county buildings commission to have the wrong at once corrected, such county solicitor shall take such action as in his opinion may be necessary to protect the interests of such county.

SECTION 13. The architect of such building and appurtenances who may be employed by such county buildings commission, shall give a bond to such county to the approval of such commission and in a sum not less than fifty thousand dollars, conditioned for the faithful discharge of his duty as such architect, and that he will prevent all changes and alterations in the plans and specifications that will add to or reduce cost or expense of erecting, equipping and furnishing such buildings or surroundings, over or under the original contract price or otherwise permit any such changes or alterations, without the written consent and agreement as to the increased or reduced expense or otherwise for such or any change or alteration, being first given thereto in writing duly signed by such county buildings commission.

SECTION 14. The architect and the superintendent of construction shall at least once in each thirty days or oftener, if requested by the county buildings commission, report to them in writing, the progress of such work after the construction of such building is actually begun and while in progress, and as to whether such work is being done as expeditiously as is proper and reasonable and in all respects according to the plans, specifications and agreements for such materials and workmanship; and such commission shall examine such reports at each time made, and by resolution spread upon their journal accept such report, if proper, and order the same filed with the county commissioners of such county, to be kept for the inspection of any and all persons desiring to examine the same.

SECTION 15. All the proceedings of the county buildings commission shall be recorded by the clerk of the county commissioners in a separate journal to be provided for that purpose, and be kept in the office of the county commissioners, and which shall be open for public inspection at all reasonable times. It shall be duly certified by the president of such commission and its clerk, and shall be received in evidence in any of the courts of this state.

SECTION 16. This act shall take effect on its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
173L

Passed April 21, 1898.

[House Bill No. 515.]

AN ACT

To create a special school district in Warren township, Jefferson county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there is hereby created a special school district in Warren township, Jefferson county, Ohio, to be known as special school district No. 9, and the same shall embrace all the territory now included in subdistrict No. 9, Warren township, Jefferson county, Ohio, to wit: Beginning at the northeast corner on the Ohio river at the mouth of Short creek, running in a northwestern direction along the line of Warrenton independent district, to the mouth of Williamson's run; thence along the

line between Bucy and Bigger farms to the Benj. Sweezy line; thence between Sweezy and Large farms to the line of John Neel; thence between John Neel and Large Neel and McCleary, also Neel farms, Johnson to the line of George Cluster along the line between Chester and Sixsmith farms to the line of Andrews; thence between Andrews and Greenley Andrews and Jackson farms to the line of Mrs. Norton's farm; thence along the line between Norton and Hodgen's farms, also Norton and Stewart farms to the Ohio river; thence up the Ohio river to the place of beginning.

SECTION 2. The board of education of this special district shall be organized under and governed by the laws of the state of Ohio that are or may be in force relating to special school boards. Its members shall be residents of the district and have the qualifications of electors therein.

SECTION 3. Such special school district shall be entitled to receive its proportionate share of the school funds and the funds levied for school-house and incidental expenses, in accordance with the enumeration of the year 1897 of children who are entitled to attend school, said funds being those now collected within the county or township treasury, and shall be governed by such laws as now are or may hereafter be in force relating to special school districts.

SECTION 4. This act shall take effect and be in force from and after its passage.

JOHN E. GRIFFITH,
Speaker pro tem. of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.
174L

Passed April 21, 1898.

[House Bill No. 186.]

AN ACT

To provide for the erection of a public vault in the cemetery, in Weston township, Wood county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Weston township, Wood county, shall, on the presentation of a petition signed by twenty freeholders of said township, call an election of the voters of said township, upon the question of the building of a public vault in the cemetery in said township, for the general use of the people of said township.

SECTION 2. Said election may be called to be held at any regular election to be held in said township, or at a special election called for such purpose, notice of which election in either case, shall be given by not less than ten days' notice by two consecutive publications of same, in some newspaper of general circulation in said township.

SECTION 3. The ballots to be used at such election shall have printed upon them the words, "For public vault, at a cost not to exceed two thousand five hundred dollars — Yes," or "For public vault, at a cost not to exceed two thousand five hundred dollars — No." Such election

shall be held in such manner, and at such place, as the elections in said township are usually held.

SECTION 4. In case a majority of votes cast at such elections shall be in favor of the erection of a public vault, the trustees of said township shall at their annual meeting next held, for the purpose of making the annual levy of taxes, levy a tax, upon all the taxable property of said township in the same manner as other township taxes are levied, not to exceed one and one-half mills. And should such tax of one and one-half mills, not be able to produce the sum required to construct such public vault, then the trustees of said township shall issue the bonds of said township for the sum of twenty-five hundred dollars at once and offer them for sale. Provided, that said bonds must be sold at not less than face value, and at a rate of interest not to exceed six per cent. per annum. The trustees shall levy annually thereafter, one and one-half mills for such public vault, provided, that the whole time to be covered shall not be more than three annual levies; and provided, further, that any moneys remaining from such levies after the bonds and their interest shall have been fully paid, shall be expended in beautifying the immediate surroundings of such public vault.

SECTION 5. Said bonds shall be in the sum of eight hundred and thirty-three and one-third dollars each; shall state on their face the date of issue; by whom issued; to whom issued; the act under which issued; the purpose for which issued; the rate of interest; the time of payment, and shall not be sold at less than face value or draw more than six per cent. per annum.

SECTION 6. In case such vote carries, then the township trustees and the trustees of the cemetery shall constitute a "building committee" to have charge of the location and construction of said public vault; provided, that when such vault is completed, the trustees of said township may commit to the care of said cemetery trustees, said public vault, subject to such rules and regulations as such township trustees may devise for its management.

SECTION 7. This act shall be in full force and effect on and after its passage.

JOHN E. GRIFFITH,
Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.
175L

Passed April 21, 1898.

[Senate Bill No. 404.]

AN ACT

To create court and election funds for Greene county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Greene county, Ohio, are hereby authorized annually, to levy not to exceed one-half of one mill on the dollar on the taxable property of said county, to create a court fund, and one-tenth of one mill on the dollar to create an election fund.

SECTION 2. Said funds shall be expended as follows: the court fund shall be expended for the payment of all court expenses of the various courts of the county payable out of the county treasury, and in case at any time said fund shall prove inadequate for such purpose, then the general fund of the county shall be drawn upon for payment. The election fund shall be expended for the payment of all the election expenses of the county, payable out of said treasury, and if at any time the amount of the election fund shall be insufficient for such purpose, then the general fund of the county shall be drawn upon for the payment of the same.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
 ASAHEL W. JONES,
President of the Senate.
 176L

Passed April 21, 1898.

[Senate Bill No. 248.]

AN ACT

For the relief of Edward Faught, Matthew Murray and Michael O'Farrell, sureties on the official bond of Frank M. Doudna, late township treasurer of Salt Lick township, Perry county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That Edward Faught, Matthew Murray and Michael O'Farrell, as sureties on the official bond of Frank M. Doudna, late township treasurer of Salt Lick township, Perry county, Ohio, be relieved from the payment of thirteen hundred dollars on said official bond.

SECTION 2. Before said relief shall be granted to said sureties, the question for such relief shall be submitted to the qualified voters of said township, at the regular fall election held in November, 1898. And if a majority of the votes cast be in favor of said release, it shall be granted; and it shall be the duty of said township clerk of said township to post notices of such proposed relief in at least three of the most public places in each voting precinct in said township, at least ten days prior to said election.

SECTION 3. The tickets for such proposed relief shall have written or printed thereon the words, "For the relief of sureties on official bond of Frank M. Doudna — Yes;" "For relief of sureties on official bond of Frank M. Doudna — No," or said words may be printed upon the official ballot cast for township officers at said election, and if printed upon said official ballot the majority of votes cast shall be determined with reference to the number of votes cast upon the question so submitted, without reference to the number of total votes cast at such election for township officers.

SECTION 4. This act shall be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
 ASAHEL W. JONES,
President of the Senate.
 177L

Passed April 21, 1898.

[Senate Bill No. 339.]

AN ACT

To amend an act entitled "An act to authorize the trustees of certain townships in Fulton county, Ohio, to levy taxes to improve public highways in said townships," as amended March 2, 1898.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That an act entitled "An act to authorize the trustees of certain townships in Fulton county, Ohio, to levy taxes to improve the public highways in said townships," as amended May 9, 1894, and as amended March 2, 1898, be amended so as to read as follows:

Sec. 1. That the trustees of the several townships, to wit, German, Clinton, York, Chesterfield, Dover, Gorman, Franklin, Pike, Royalton, Amboy, Fulton and Swancreek, in the county of Fulton, in the state of Ohio, be and are hereby authorized to levy and assess upon the taxable property of their respective townships, a tax not exceeding four (4) mills in any one year, upon the dollar valuation of the taxable property of said townships, in addition to other taxes authorized by law, for the purpose of improving by macadamizing or graveling, the public highways in said townships, respectively, as may be deemed expedient or necessary by the board of trustees of said township[s], and for no other purpose.

SECTION 2. Provided, however, that as to German township, the provisions of section 1 of this act shall apply only to that portion of said German township which lies outside of the limits of the incorporated village of Archbold.

SECTION 3. That said act as amended May 9, 1894, and as amended March 2, 1898, is hereby repealed, and this act shall take effect and be in force from and after its passage.

HARRY C. MASON,

Speaker of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed April 21, 1898.

178L

[House Bill No. 790.]

AN ACT

To provide for the collection, removal and destruction or reduction of garbage and night-soil in cities of the second grade of the first class.

[CLEVELAND.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any city of the second grade of the first class is hereby authorized to provide for the collection, removal and destruction or reduction of garbage and night-soil, and to make necessary contracts therefor, for a period of time not to exceed ten years; and section 2702 of the Revised Statutes of the state of Ohio, and section 73 of an act passed March 16, 1891, to provide a more efficient government for cities of the second grade of the first class, and any other law now in force relating to the

certificate of the city auditor, to the effect that money is in the treasury, shall not apply to contracts made hereunder.

SECTION 2. For the purpose of providing the necessary money for paying the cost and expense of the collection, removal and destruction or reduction of garbage and night-soil, or either of them, as provided in section one hereof, the council of any such city is hereby authorized to provide by ordinance for charging the whole or any part of the cost of the collection, removal and destruction or reduction of garbage and night-soil to the owner or occupant of any and all premises from which such garbage and night-soil is collected, and to collect such cost and expense from such owner or occupant; and in addition thereto the council of any such city is hereby authorized and empowered to levy annually a tax therefor on the property subject to taxation in such city; and such tax shall be levied and collected in the same manner as other taxes.

SECTION 3. This act shall take effect and be in force from and after its passage.

JOHN E. GRIFFITH,
Speaker pro tem. of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
179L

Passed April 21, 1898.

[House Bill No. 561.]

AN ACT

To create a joint sub-school district out of territory in McDonald, Taylor Creek and Lynn townships, Hardin county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the territory comprising that portion of McDonald township, Taylor Creek township and Lynn township, Hardin county, Ohio, described as follows, to wit: Commencing at the northwest corner of William Myer's farm in McDonald township; thence south with the west line of said William Myer's farm to the center of the Liles pike; thence west with the center of said pike to the northwest corner of P. P. Lyan's farm; thence south with the west line of said P. P. Lyan's farm to the southwest corner of said P. P. Lyan's farm; thence east with the south line of said P. P. Lyan's farm to the southeast corner of said P. P. Lyan's farm, where it adjoins the farm of D. R. McArthur; thence south with the west line of said D. R. McArthur's farm and the west line of J. E. Campbell's farm and the west line of Oss Lile's farm to the southwest corner of said Oss Lile's north fifty acres of land; thence east with the south line of the said fifty-acre tract of land owned by said Oss Lile to the southwest corner of John Pyer's farm; thence east with the south line of said John Pyer's land to the township line between McDonald and Taylor Creek township; thence east with the south line of a forty-acre tract of land owned by David Tough to the southeast corner of said tract; thence north with the east line of said forty-acre tract to township road; thence east with said township road to the southeast corner of Hardin Lile's twenty-five acres of land; thence north with the east line of said tract to the southeast corner of a twenty-five acre tract

of land owned by L. S. Lile; thence north with the east line of said tract; thence north across a tract of land owned by Isaac Philips to south line of the William Jordan farm; thence east to the southeast corner of the old Lile's farm; thence north with the east line of said Lile's farm to the center of the Lile's pike, being the line between Taylor Creek and Lynn townships; thence east with the center of said pike to a point opposite a fence on the east side of residence of Ott Wilson on land owned by William Lawrence, said fence running north through or near the center of that portion of said Lawrence's farm lying west of the Gun and Yelverton road; thence north with said fence to the north line of said tract of land belonging to William Lawrence; thence west to the northwest corner of said William Lawrence's farm, being the line between Lynn and McDonald townships; thence south with the line of said William Lawrence's land to the northeast corner of a twenty-acre tract of land owned by Catherine Curtis; thence west with the north line of said twenty-acre tract to the northeast corner of a ten-acre tract of land owned by Lew Freshcorn; thence west with the north line of said tract to northeast corner of William Myer's land; thence west with north line of said William Myer's land to place of beginning, be and the same is hereby created and declared to be and constitute a joint sub-school district.

SECTION 2. Such joint sub-school district shall be governed and controlled in all respects by such laws as are now or may hereafter be in force relating to joint school districts, and shall be under the control of and subject to the board of education of the township in which the school-house may be situated; provided, there shall be elected in the aforesaid joint sub-school district one director and two subdirectors and for such terms of office as provided by law; and, provided further, that the boards of education of each of the aforesaid townships shall, at a joint meeting thereof, held for that purpose within sixty days from and after the passage of this act by mutual agreement establish the location of the school-house for said joint sub-school district and designate a site whereon to erect such building in accordance with the provisions of section 3928 of the Revised Statutes.

SECTION 3. This act shall take effect and be in force from and after its passage.

JOHN E. GRIFFITH,
Speaker pro tem. of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.
180L

Passed April 21, 1898.

[House Bill No. 680.]

AN ACT

For the relief of Edward L. Watts, ex-treasurer of Marshall township, Highland county, Ohio.

WHEREAS, Edward L. Watts was at the April election, A. D. 1891, duly elected township treasurer of the township of Marshall, Highland county, Ohio.

WHEREAS, As such treasurer he in good faith deposited certain funds of said township in the Citizens' National bank of Hillsboro, Highland county, Ohio; and,

WHEREAS, Said, Citizens' National bank did on the ninth (9) day of June, A. D. 1893, fail and suspend payment; and,

WHEREAS, The receiver of said bank has paid upon the amount of said township funds so deposited in said bank, and being at the time of its failure the sum of two hundred and ten dollars and eighty-nine cents (\$210.89), a dividend of sixty per cent., to wit: the sum of one hundred and twenty-six dollars and fifty-four cents (\$126.54); and,

WHEREAS, Said receiver will be able to pay only a small portion of said balance of eighty-four dollars and thirty-five cents (\$84.35), leaving the balance uncollectable, for which Edward L. Watts has settled in full with the township trustees of said Marshall township; and,

WHEREAS, A large number of the resident taxpayers of said township have petitioned this general assembly for the relief of said Edward L. Watts by authorizing the township trustees of Marshall township, Highland county, Ohio, to refund to said Edward L. Watts the sum so paid by him on account of the failure of said Citizens' National bank of Hillsboro, Ohio; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of Marshall township, Highland county, Ohio, be and they are hereby authorized and empowered by suitable resolution and act to refund the said Edward L. Watts the said sum of eighty-four dollars and thirty-five cents (\$84.35), provided that before said sum is refunded the township trustees shall submit the proposition to the qualified electors of said township at a general election and if it appears that a majority of the votes cast at such election are in favor of said proposition then the trustees shall refund said sum.

SECTION 2. And any and all dividends hereafter paid by the said receiver of the Citizens' National bank shall be paid to the treasurer of Marshall township as funds of said township.

SECTION 3. This act shall take effect and be in force from and after its passage.

JOHN E. GRIFFITH,
Speaker pro tem. of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.
181L

Passed April 21, 1898.

[House Bill No. 658.]

AN ACT

For the relief of Rosa Duvall.

WHEREAS, Rosa Owens, now intermarried to John Duvall, was employed by the directors of subdistrict number nine, in Dixon township, Preble county, Ohio, to teach a term of school in said subdistrict in the years 1888 and 1889, and on her part fully carried out her contract with said directors, and taught a satisfactory school; and,

of land owned by L. S. Lile; th
tract; thence north across a tract
line of the William Jordan farm
of the old Lile's farm; thence
farm to the center of the Lile
Creek and Lynn townships; th
to a point opposite a fence on
on land owned by William Law
or near the center of that por
of the Gun and Yelverton ro
north line of said tract of land
west to the northwest corner
the line between Lynn and M
line of said William Lawrence
acre tract of land owned by
line of said twenty-acre tract
of land owned by Lew Fr
said tract to northeast corner
north line of said William
same is hereby created as
school district.

SECTION 2. Such j
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SECTION 3. T
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Passed Apr

For the relief

WHERE
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Summ 1. Be it enacted by the General Assembly of the State of Ohio, That the commissioners of said Morrow county be and they are directed to refund and pay to said Amos W. James, his warrant on the treasurer of said county of \$905.96 due him.

all take effect and be in force from and

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
183L

Senate Bill No. 378.]

AN ACT

ought, Charles C. Marsh and John Arnold, sureties on
M. Doudna, late corporation treasurer of the village
y, Ohio.

acted by the General Assembly of the State of Ohio,
Charles C. Marsh and John Arnold, as sureties
Frank M. Doudna, late corporation treasurer of
Perry county, Ohio, be relieved from the pay-
official bond.

e said relief shall be granted to said sureties the
shall be submitted to the qualified voters of said
general election held in November, 1898, and if
tes cast be in favor of said relief it shall be granted.
y of said village clerk of said village to post notices
f in at least three of the most public places in each
d village, at least ten days prior to said election.
tickets for said proposed relief shall have written
ne words, "For relief of sureties on official bond of
— Yes;" "For relief of sureties on official bond of
— No." Or said words may be printed upon the
r village officers at said election, and if printed upon
the majority of votes cast shall be determined with
mber of votes cast upon the question so submitted,
o the number of total votes cast at such election for

This act shall be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
184L

1 21, 1898.

WHEREAS, She is unable to demand and receive a balance of \$180 due her for her said services, by reason of the fact that she had no certificate to teach during the time covered by said unpaid balance; now therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township clerk of Dixon township, in Preble county, shall be, and he is hereby required to draw his order as such clerk on the township treasurer of said Dixon township in favor of said Rosa Duvall for the sum of one hundred and eighty dollars (\$180), and said township treasurer shall pay said order so drawn out of any funds in his hands belonging to the school funds of said township and applicable to the payment of teachers.

SECTION 2. This act shall take effect and be in force from and after its passage.

JOHN E. GRIFFITH,
Speaker pro tem. of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.
182L

Passed April 21, 1898.

[Senate Bill No. 337.]

AN ACT

For the relief of Amos W. James, ex-treasurer of Morrow county, Ohio.

WHEREAS, Amos W. James of Morrow county, Ohio, was the duly elected and qualified treasurer of said county, from September 4, 1889, to September 5, 1893, and as such treasurer received and accepted checks on the Cardington banking company, an old established banking institution, of good standing in said county, and said checks together with tax receipts amounting in the aggregate to \$2,824.76 were, as was the long established custom, sent to the bank for collection, pending the semi-annual settlement with the county auditor; and,

WHEREAS, On the 16th day of August, 1893, before said settlement was completed, the said Cardington banking company made an assignment for the benefit of its creditors; and,

WHEREAS, Said Amos W. James, accounted for said sum upon the expiration of his term of office and paid the same over to his successor in office as such treasurer; and,

WHEREAS, The said assignment has been fully settled, and the assets of said Cardington banking company, have been fully distributed, and there remains due and unpaid to said Amos W. James of said sum of \$2,824.76, a balance of \$905.96; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of said Morrow county are authorized and directed to refund and pay to said Amos W. James said sum of \$905.96, and that the auditor of said county be authorized and required to draw his warrant on the treasurer of said county for the payment of said sum of \$905.96 to said Amos W. James, in full payment of said balance [so] due him.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.
183L

Passed April 21, 1898.

[Senate Bill No. 378.]

AN ACT

For the relief of Edward E. Faught, Charles C. Marsh and John Arnold, sureties on the official bond of Frank M. Doudna, late corporation treasurer of the village of Shawnee, Perry county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That Edward E. Faught, Charles C. Marsh and John Arnold, as sureties on the official bond of Frank M. Doudna, late corporation treasurer of the village of Shawnee, Perry county, Ohio, be relieved from the payment of \$800 on said official bond.

SECTION 2. Before said relief shall be granted to said sureties the question for such relief shall be submitted to the qualified voters of said village, at a special or general election held in November, 1898, and if a majority of all the votes cast be in favor of said relief it shall be granted. And it shall be the duty of said village clerk of said village to post notices of such proposed relief in at least three of the most public places in each voting precinct in said village, at least ten days prior to said election.

SECTION 3. The tickets for said proposed relief shall have written or printed thereon, the words, "For relief of sureties on official bond of Frank M. Doudna — Yes;" "For relief of sureties on official bond of Frank M. Doudna — No." Or said words may be printed upon the official ballot cast for village officers at said election, and if printed upon such official ballot the majority of votes cast shall be determined with reference to the number of votes cast upon the question so submitted, without reference to the number of total votes cast at such election for village officers.

SECTION 4. This act shall be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.
184L

Passed April 21, 1898.

[Senate Bill No. 370.]

AN ACT

To authorize cities of the first grade of the first class to issue bonds to pay for property to be hereafter condemned and appropriated for street purposes.

[CINCINNATI.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in cities of the first grade of the first class, the board of administration, or its successors, shall have the power to issue bonds in the name of such city, and under the corporate seal thereof, in a sum not to exceed ten thousand dollars (\$10,000) dollars, to provide a special fund to pay the costs and expenses of property to be hereafter condemned and appropriated to public use for the opening and extending of any road, street, avenue or highway, or any part thereof, in any such city. Said bonds shall be made payable not less than ten years nor more than twenty years from date of their issue, bear interest not exceeding 4 per centum per annum, be signed by the president of such board of administration, or of its successors, and by the mayor of said city, and be attested by the city auditor of such city, and be secured by the pledge of the faith of such city, and by a tax which it shall be the duty of the board of legislation of such city annually to levy upon all the taxable property of such city, and to certify the same to the county auditor of the county in which such city is situated, upon a certificate from such board of administration, or its successors, as to the amount necessary to pay the interest thereon, and to provide a sinking fund for the final redemption of said bonds. Said taxes shall be in addition to the amount authorized by law to be levied for municipal purposes.

SECTION 2. Said board of administration, or its successors, shall offer said bonds for sale to the sinking fund trustees of said city, and if said sinking fund trustees decline to accept the same, said board of administration, or its successors, shall then advertise said bonds for sale once a week for four consecutive weeks in a newspaper of general circulation in said city, and sell the same for not less than the par value thereof and accrued interest to the highest bidder. The money arising from the sale of said bonds shall be placed in a fund to be called the "special condemnation fund," and a careful account of said fund shall be kept by the city auditor.

SECTION 3. Said fund shall be used only for the purpose of paying the costs and expenses of property condemned and appropriated to public use for the opening and extending of any road or roads, street or streets, avenue or avenues, or highway or highways, or any part thereof, which may be located in such city, the condemnation and appropriation of which shall have received the recommendation of the board of administration, or its successors, of such city; and the said fund shall only be paid out upon a resolution or resolutions passed by the board of administration, or its successors, of such city specially appropriating the same, and upon vouchers properly approved by said board of administration, or its successors.

SECTION 4. This act shall take effect and be in force on and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives
 ASAHIEL W. JONES,
President of the Senate.
 185L

Passed April 21, 1898.

[House Bill No. 273.]

AN ACT

Supplemental to title XII of the Revised Statutes of Ohio, to provide a more efficient government for cities of the second class, third grade *c*, and to amend sections Nos. 1546 and 1548 (as amended March 13, 1894), 1672 (as amended May 10, 1894), 1682, 1718*c* (as amended February 10, 1892), 1755 (as amended February 10, 1892), 1785 (as amended February 10, 1892), 1808 (as amended April 19, 1894), 2113 (as amended February 25, 1894), 2328, 2682 (as amended March 23, 1891), 2689*a* (as amended April 24, 1896), 2805 (as amended [February 10, 1892), 2815 (as amended] March 23, 1891), 2926*t* (as amended April 27, 1896), and section 1 of an act entitled "An act to provide for the appointment of a tax commission in certain counties," and passed May 2, 1885.

[PORTSMOUTH.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section number 1546 (as amended March 13, 1894), be and the same is hereby amended so as to read as follows:

Sec. 1546. (Classification, general.) Municipal corporations are divided into cities, villages, and hamlets; cities are divided into two classes, first and second; cities of the first class are divided into three grades, first, second and third; cities of the second class are divided into eight grades, first, second, third, third *a*, third *b*, third *c*, fourth, fourth *a*. Cities of the second class, which hereafter become cities of the first class, shall constitute the fourth grade of the latter class; and villages, which hereafter become cities, shall belong to the fourth grade of the second class; provided, that nothing in this act shall change the grade or class of any city now existing, except such city or cities as are or may be included in the third grade *c*, of the second class, hereby created.

SECTION 2. That section number 1548 (as amended March 13, 1894), be, and the same hereby is, amended so as to read as follows:

Sec. 1548. Existing corporations, organized as cities of the second class, shall remain such until they become cities of the first class; and their grade and the grades of those which may be or may become cities of the second class shall be determined as follows: Those which, on the first day of July, A. D. 1890, had, and those which, on the first day of July, in any year, have, when ascertained in the way mentioned in section 1547 of the Revised Statutes, more than thirty thousand five hundred, and less than thirty-one [thousand] five hundred inhabitants, shall constitute the first grade; those which, on the first day of July, A. D. 1890, had, and those which, on the first day of July, in any year, have, when ascertained in the same way, more than twenty thousand and less than thirty thousand five hundred inhabitants, shall constitute the second grade; those which, on the first day of July, A. D. 1890, had, and those which, on the first day of July, in any year, have, when ascertained in

the same way, more than ten thousand and less than twenty thousand, shall constitute the third grade; those which, on the first day of July, A. D. 1890, had more than twenty-eight thousand and less than thirty-three thousand inhabitants, and those which, on the first day of July, in any year, have, when ascertained in the same way, more than twenty-eight thousand and less than thirty-three thousand inhabitants, shall constitute and be the third grade *a*; those which, on the first day of July, A. D. 1890, had more than sixteen thousand and less than eighteen thousand inhabitants, shall, on and after the passage of this act, constitute and be, and those which, on the first day of July, in any year, have, when ascertained in the same way, more than sixteen thousand and less than eighteen thousand inhabitants, shall constitute and be the third grade *b*; those which, on the first day of July, A. D. 1890, had more than twelve thousand [and] three hundred and less than thirteen thousand three hundred inhabitants, and those which, on the first day of July, in any year, have, when ascertained in the same way, more than twelve thousand three hundred and less than thirteen thousand three hundred inhabitants, shall constitute and be the third grade *c*; and those which, on the first day of July, 1890, had, and those which hereafter, on the first day of July, in any year, have less than ten thousand and more than five thousand inhabitants, shall constitute the fourth grade; except that those which, on the first day of July, 1890, had more than eight thousand three hundred and thirty and less than nine thousand and fifty inhabitants, shall, on and after the passage of this act, constitute and be, and those which may hereafter on the first day of July, in any year, have, when ascertained in the same way, more than eight thousand three hundred and thirty and less than nine thousand and fifty inhabitants, shall constitute and be the fourth grade *a*.

SECTION 3. That section number 1672 (as amended May 10, 1894), be, and the same is hereby, amended so as to read as follows:

Sec. 1672. The legislative authority of villages shall be vested in a council consisting of six members, except that in villages divided into three or more wards such authority shall be vested in a council composed of two members from each ward; and the legislative authorities of cities, except as provided in section 1655, 1656, 1658, 1661, 1672*a* and 1672*b* (supplemental hereto) of the Revised Statutes, as hereby amended, shall be vested in a council consisting of two members from each ward; and in all cities of the third grade and second class that at any subsequent federal census may have a population of not less than twenty-one thousand and not more than twenty-one thousand one hundred, there shall be elected a councilman at large.

SECTION 4. That section number 1672*b* be, and the same is hereby, enacted as supplemental to section 1672, as hereby amended, as follows:

Sec. 1672*b*. In cities of the second class, third grade *c*, the legislative power and authority shall be vested in a city council, which shall consist of three members elected from the city at large, and one member elected from each of the wards in such city; and upon the election and qualification of the city council in such cities, as herein provided, the existing council therein, shall be, and the same is, hereby abolished.

SECTION 5. That section number 1873*a* be, and the same is hereby enacted as supplemental to section 1673 (as amended May 21, 1894), as follows:

Sec. 1673a. In cities of the second class third grade *c*, the members at large of the city council shall be elected, for terms of three years each, by the qualified electors of such city, at the annual municipal election, and the members from the wards shall be elected for terms of two years each, by the qualified electors in their respective wards, at the annual municipal election; provided, however, that at the first municipal election, held under the provisions of this act, the three members at large shall be elected for terms of one year, two and three years, respectively, and thereafter, at the expiration of said term, all such elections of a member at large shall be for the term of three years, and the members of said council, representing the even numbered wards of said city, shall be elected each for a term of one year, and those representing the odd numbered wards thereof, shall be elected each for a term of two years, and thereafter, all elections of ward members to such council shall be for terms of two years.

SECTION 6. That section number 1676b be, and the same is hereby enacted as supplemental to section 1676 of the Revised Statutes, as follows:

Sec. 1676b. In cities of the second class, third grade *c*, the council shall, annually, within ten days after the municipal election, perfect its organization by electing a president, and a president pro tempore, from their own number. The mayor, or in his absence the city clerk, shall preside at the meeting for organization. The council shall also, at the expiration of the term of the city clerk, elect a city clerk for the term of two years, and in case of a vacancy other than by expiration of the term, the city clerk shall be elected for the unexpired term. The city clerk in addition to his duties as clerk of council, shall perform such other duties as are by law required of him in such cities; and the council shall not have the authority or power, to choose, select or appoint, any other officer or employe, whatsoever; the president, however, may, should he deem it necessary, designate some suitable and capable person to act as sergeant-at-arms of the council, and to perform the usual duties of that office during a meeting of council. A majority of the members elected to council shall constitute a quorum for the transaction of business, but three or more may adjourn from time to time and compel the attendance of absent members.

SECTION 7. That section number 1682 of the Revised Statutes be, and the same is hereby amended to read as follows:

Sec. 1682. The mayor, city auditor, city civil engineer, city solicitor, and in cities of the second class, third grade *c*, the board of public affairs, shall have seats in the council and board of aldermen, and be entitled to take part in the proceedings and deliberations on all questions relating to their respective departments, subject to such rules as the council shall, from time to time prescribe, but without the right to vote; and such officers may be compelled to attend meetings of the council or board of aldermen in the same manner as the members.

SECTION 8. That the following section with supplemental numbering, viz.: 1694a be, and the same is hereby, enacted as supplemental to chapter IV, division 3, title XII, as follows:

Sec. 1694a. In cities of the second class, third grade *c*, any member of the council, at any meeting thereof, shall have the right to demand the ayes and nays upon any question before the council, including the motion

[Senate Bill No. 339.]

AN ACT

To amend an act entitled "An act to authorize the trustees of certain townships in ~~the~~ Fulton county, Ohio, to levy taxes to improve public highways in said townships," as amended March 2, 1898.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That an act entitled "An act to authorize the trustees of certain townships in Fulton county, Ohio, to levy taxes to improve the public highways in said townships," as amended May 9, 1894, and as amended March 2, 1898, be amended so as to read as follows:

Sec. 1. That the trustees of the several townships, to wit, German, Clinton, York, Chesterfield, Dover, Gorman, Franklin, Pike, Royalton, Amboy, Fulton and Swancreek, in the county of Fulton, in the state of Ohio, be and are hereby authorized to levy and assess upon the taxable property of their respective townships, a tax not exceeding four (4) mills in any one year, upon the dollar valuation of the taxable property of said townships, in addition to other taxes authorized by law, for the purpose of improving by macadamizing or graveling, the public highways in said townships, respectively, as may be deemed expedient or necessary by the board of trustees of said township[s], and for no other purpose.

SECTION 2. Provided, however, that as to German township, the provisions of section 1 of this act shall apply only to that portion of said German township which lies outside of the limits of the incorporated village of Archbold.

SECTION 3. That said act as amended May 9, 1894, and as amended March 2, 1898, is hereby repealed, and this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 21, 1898.

178L

[House Bill No. 790.]

AN ACT

To provide for the collection, removal and destruction or reduction of garbage and night-soil in cities of the second grade of the first class.

[CLEVELAND.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any city of the second grade of the first class is hereby authorized to provide for the collection, removal and destruction or reduction of garbage and night-soil, and to make necessary contracts therefor, for a period of time not to exceed ten years; and section 2702 of the Revised Statutes of the state of Ohio, and section 73 of an act passed March 16, 1891, to provide a more efficient government for cities of the second grade of the first class, and any other law now in force relating to the

certificate of the city auditor, to the effect that money is in the treasury, shall not apply to contracts made hereunder.

SECTION 2. For the purpose of providing the necessary money for paying the cost and expense of the collection, removal and destruction or reduction of garbage and night-soil, or either of them, as provided in section one hereof, the council of any such city is hereby authorized to provide by ordinance for charging the whole or any part of the cost of the collection, removal and destruction or reduction of garbage and night-soil to the owner or occupant of any and all premises from which such garbage and night-soil is collected, and to collect such cost and expense from such owner or occupant; and in addition thereto the council of any such city is hereby authorized and empowered to levy annually a tax therefor on the property subject to taxation in such city; and such tax shall be levied and collected in the same manner as other taxes.

SECTION 3. This act shall take effect and be in force from and after its passage.

JOHN E. GRIFFITH,
Speaker pro tem. of the House of Representatives.
ASAHIEL W. JONES,
President of the Senate.
179L

Passed April 21, 1898.

[House Bill No. 561.]

AN ACT

To create a joint sub-school district out of territory in McDonald, Taylor Creek and Lynn townships, Hardin county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the territory comprising that portion of McDonald township, Taylor Creek township and Lynn township, Hardin county, Ohio, described as follows, to wit: Commencing at the northwest corner of William Myer's farm in McDonald township; thence south with the west line of said William Myer's farm to the center of the Liles pike; thence west with the center of said pike to the northwest corner of P. P. Lyan's farm; thence south with the west line of said P. P. Lyan's farm to the southwest corner of said P. P. Lyan's farm; thence east with the south line of said P. P. Lyan's farm to the southeast corner of said P. P. Lyan's farm, where it adjoins the farm of D. R. McArthur; thence south with the west line of said D. R. McArthur's farm and the west line of J. E. Campbell's farm and the west line of Oss Lile's farm to the southwest corner of said Oss Lile's north fifty acres of land; thence east with the south line of the said fifty-acre tract of land owned by said Oss Lile to the southwest corner of John Pyer's farm; thence east with the south line of said John Pyer's land to the township line between McDonald and Taylor Creek township; thence east with the south line of a forty-acre tract of land owned by David Tough to the southeast corner of said tract; thence north with the east line of said forty-acre tract to township road; thence east with said township road to the southeast corner of Hardin Lile's twenty-five acres of land; thence north with the east line of said tract to the southeast corner of a twenty-five acre tract

may be given by depositing with the clerk a certified check, payable to the order of the board, for an amount specified by the board.

5. If the work bid for embraces both labor and material, the board may receive separate bids for furnishing the material, separate bids for doing the work, and separate bids for both labor and material.

6. None but the lowest responsible bid shall be accepted; provided, that when the character of the material of the improvement has not been determined upon before the bids are received, the lowest responsible bid for the improvement with the material determined upon after the bids have been received shall be accepted, and in determining which is the lowest responsible bid the board shall not be controlled by the ability of the bidder to give bond for the performance of his contract, but its decision as to which is the lowest responsible bid shall be conclusive, provided, however, that if the lowest bid is not accepted the board shall state the reason on its minutes; but the board may, in its discretion, reject all bids, or it may, in its discretion, purchase the materials for the work and contract simply for the performance of the work.

7. The contract shall be between the corporation and the bidder, and the corporation shall pay the contract price for the work in cash; provided, however, that the contract price may be paid in assessments, as may have been previously determined, and suits to recover or enforce such assessments may be brought in the name of the city.

8. If two or more responsible bids are equal in whole, or in part thereof, and are lower than any other responsible bids, either may be accepted, but in no case shall the work be divided between them.

9. When there is reason to believe that there is collusion or combination among the bidders, or any number of them, the bids of those concerned therein shall be rejected.

10. The presiding officer shall execute all contracts, attested by the city clerk, and under the seal of the city, in the name of the city, and file them in the office of the board.

Sec. 1707f—21. 1. No member of the board, or other person, whether in the employ of the board or otherwise, shall have power to create any liability on account of the board, or the funds under its control, except by express authority of the board, conferred at a meeting thereof duly and regularly convened.

2. No member, officer or employe of the board shall be directly or indirectly interested in any contract or work of any kind whatever under its direction, and any contract or work in which any such person has an interest shall be void; and it shall be the duty of any person having knowledge or information of the violation of this section forthwith to report the facts to the board, and the board shall give reasonable notice to the parties interested, and at the earliest convenient day, investigate the same, and hear evidence offered on both sides.

3. The board shall have power in such case to compel the attendance of witnesses, and the production of books and papers, and the presiding officer shall have the power to administer the necessary oaths.

4. If a member of the board be involved in any such charge, he shall not again sit or vote in the board until the result of the investigation is determined, announced, and entered on the minutes of the board;

a majority of the board not involved in the charge shall be sufficient to decide the questions; and if an officer or employe of the board be found, upon such inquiry, to have violated any of the foregoing provisions, such finding shall at once operate as a dismissal of such officer or employe.

5. If a contract made or authorized by the board be found to violate any of the foregoing provisions, it shall at once become void and of no effect, and no money shall be paid for services rendered, or material furnished under the same.

Sec. 1707f—22. 1. When it becomes necessary, in the opinion of the board, in the prosecution of any work hereafter ordered, to make alterations, or modifications of the specifications or plans of a contract, or to omit from said work any portion of the street or territory originally ordered to be improved, such alteration, modification, or omission may be made by order of the board; provided, such order shall be of no effect until the price to be paid for the work under such altered or modified contract has been agreed upon in writing, and signed by the contractors and some person authorized thereunto by the board; and provided, further, the total cost of the work, with the addition of the price so agreed upon, shall not exceed the original contract.

2. No contractor shall be allowed anything for extra work caused by any alterations or modification, unless an order is made, or agreement signed, as provided in the preceding section, nor shall he, in any case, be allowed more for such alteration than the price fixed for in such agreement.

Sec. 1707f—23. No ordinance or resolution authorizing any improvement shall be passed by council except upon the recommendation of the board of public affairs; and no grant of the use of a street or highway in any such city for the purpose of a street, or other railroad, or an extension thereof, or for any other purpose whatsoever, shall be made or renewed unless first recommended by the board; nor shall any such street or highway be used for supplying gas or water, or to be broken up or obstructed for any purpose on any pretense whatever, unless permission be first given by the board, and attested by its clerk, in writing; nor shall a resolution or ordinance for the payment of money in settlement of claims for unliquidated damages be passed, nor any binding agreement for such settlement be made by the council, unless the payment or settlement of such claim be first recommended by the board; nor shall any property used or to be used for purposes under the control of the board, or for the use of any such city, be purchased, leased, or disposed of without such recommendation being first made; and any such measure required to originate in the board which is altered, changed or amended in any particular, before taking effect, shall be concurred in by said board.

Sec. 1707f—24. 1. The board may, in its discretion, purchase the necessary material, employ the necessary overseers and hands to do any work, or make any improvement, no part of which is to be paid by assessment.

2. The members of said board, or any one of them, may at any time, be removed from office by the concurrent vote of two-thirds of all members elected to council, in the same manner as elective officers; or in the manner provided for the removal of certain officers, in chapter 3, division 4, title XII, of the Revised Statutes of Ohio.

3. The board of public affairs may contract with two daily newspapers, of opposite politics, published and of general circulation in the corporation, at not to exceed fifty cents per square for each insertion, for the publication of all resolutions and ordinances of a general nature, or providing for improvements; and all advertisements, notices and proclamations, in the event of any such contract, shall be published in said newspapers, but in the event of no such contract being made, publication in one such daily newspaper shall be deemed sufficient.

4. The board of public affairs shall furnish to council, on or before the first Monday of April in each year, a statement containing an approximate and detailed estimate of the money needed by the board for the succeeding year, for the several purposes for which council may levy taxes; and the city clerk shall at the same time furnish the board and council. (1). A statement showing the balance standing to the credit or debit of the several funds on the city balance sheet at the end of the year last passed. (2). A statement showing the monthly expenditure out of each fund, and the monthly expenditure out of all the funds for the same period. (3). A statement showing the annual expenditure from each fund for the five years next preceding said day.

5. Claims against the board of public affairs, and all bills for expenses incurred by the board in the administration of the affairs under its control, when approved by the board, shall be paid on the warrant of the clerk by the treasurer of the city.

6. The board of public affairs shall have the right to employ counsel, in addition to the city solicitor, in any matter in cases arising under the exclusive control of the board, but no such employment shall be valid without the concurrence of council.

Sec. 1707f—25. In cities of the second class, third grade *c*, all the powers and duties in connection with, and incident to, the appointment, regulation, government and control of the police, and the regulation, government and control of the city prison, patrol and station house, shall be and is hereby vested in the board of public affairs, and to all intents and purposes, said board shall exercise functions similar to those performed by boards of police commissioners in other cities, subject, however, to the provisions of this act, and such limitations consistent herewith, as may be prescribed by ordinance of council.

2. The qualifications, enumeration, and arrangement of the duties of each officer and member of the police force, shall be particularized, and definitely prescribed by the rules and regulations of the board of public affairs relative to the force.

3. Each officer of the force, and every appointee of the board thereto, in any capacity whatever, shall be an elector of the city in which he is appointed, and he must be able to read and write the English language understandingly, and there shall be no appointment to, nor removal from the force, for political reasons. Every person appointed on the force shall have a reputation for integrity and sobriety, and must be known to be an orderly, law abiding citizen, never to have been convicted of a crime nor to have been engaged in any unlawful calling, nor to have pursued any occupation in a manner prescribed by law-abiding citizens.

4. All appointees to the force, under the provisions of this act, shall serve during the pleasure of the board; and no appointee shall be discharged except for cause, and after having been allowed an oppor-

tunity to be heard in his own defense, and upon charges, preferred to, and sustained by the board.

5. The salaries and pay of the officers and members of the police force shall be determined by the board within limits prescribed by ordinance of council.

6. Each officer and member of the police force, before entering upon the discharge of his duties shall take and subscribe an oath, to well and faithfully perform the duties of his office, and shall execute a good and sufficient bond in a sum to the satisfaction and approval of the board conditional [conditioned] according to law, for the faithful discharge of his duties, both of which shall be filed in the office of the board.

7. The board of public affairs shall, within thirty days after its organization, appoint a police force; and the officers thereof, pursuant to the provisions of this act; provided, that the present marshal may qualify and serve for the remainder of the term for which he was elected, as chief of police.

Sec. 1707f—26. 1. The police force of such city shall consist of a chief, and not to exceed one patrolman or officer, for each fifteen hundred inhabitants thereof, and also a reserve force not exceeding one officer to each fifteen hundred inhabitants, and who shall possess the same qualifications, and when upon duty shall be subject to the same regulations, and have the same powers and privileges, perform the same duties and receive the same per diem compensation as members of the regular force, and they shall receive no pay for any time they are not assigned for duty.

2. Such reserve force shall only be assigned to duty by the board in case of emergency, or special necessity, and the same shall be stated upon the minutes of the board when such assignment is made.

3. In case of riot or insurrection, requiring the intervention of the police force, the mayor shall have control and command of the whole force during said emergency, and when a temporary increase of the force is required, the board shall have power to appoint as many additional officers as may be in their judgment needed, and to serve not to exceed five days, with a per diem pay of the regular force, and no more.

Sec. 1707f—27. 1. It shall be the duty of the mayor, the board of public affairs, and of the police force hereby constituted, at all times of the day and night, within the boundaries of the city, to preserve [the] public peace, prevent crime, arrest offenders, protect the rights of persons and property, guard the public health, preserve order, remove nuisances existing in public streets, roads, places, and highways, report all leaks or other defects in water-pipes and sewers to the proper authorities, to provide a proper force at every fire, in order that thereby the firemen and property may be protected, to protect strangers and travelers at railway stations, and generally to obey and enforce all ordinances of the city council, and criminal laws of the state and of the United States.

2. The police force and officers thereof under the direction of the board of public affairs, or other proper officer, shall suppress all riots, disturbances, and breaches of the peace; pursue and arrest any person fleeing from justice, in any part of the state; apprehend any and all persons in the act of committing an offense against the laws of the state or the ordinance of the corporation, and forthwith bring such person before the police court, or other competent authority, for examination;

and shall at all times diligently and faithfully enforce all such laws, ordinances and regulations for the preservation of good order, and the public welfare, as the council may ordain, and for such purpose they shall have all the power of constables.

3. The members of the police force may, upon view, arrest any person who may be guilty of a breach of the ordinances of the corporation, or of a crime against the laws of the state, and may, upon reasonable information, supported by affidavit, procure process for the arrest of any person who may be charged with a breach of any of the ordinances of the corporation.

4. The board of public affairs shall cause to be prepared a convenient manual, containing a compend of all rules and regulations which the police force is required to obey, and such instructions as shall aid them in the intelligent discharge of their duty. It shall be the duty of every member and officer of the force to make himself acquainted with the directions contained in the manual, and in every way to become familiar with all duties of his position. The chief of police shall be especially charged with the duty of instructing officers and members of the force in their duties, and from time to time examining them as to their knowledge of the requirements of their position. It shall furthermore be the duty of the board at least twice in each year to require the examination and inspection of the entire force, and for this purpose the board shall select one of their own number as an examiner to assist the chief in such general examination.

5. The board of public affairs may, on the application of any person, who shows the necessity thereof, appoint any number of private patrolmen, to do duty at any place within the city, at the charge and expense of the person by whom the application is made; and the patrolmen so appointed after being sworn shall be subject to the orders of the board of public affairs, and shall obey the rules and regulations of said board, and conform to its general discipline, and to such other special regulations as may be made, and shall wear such dress or emblem as the board may direct, and during their term of holding appointment they shall possess all the powers and privileges and perform all the duties of the patrol force herein prescribed; and provided, further, that the person so appointed may be removed at any time by the board of public affairs without assigning cause therefor.

Sec. 1707f—28. 1. The board of public affairs shall prepare and submit to council, on or before the first day of March in each year, an estimate of the cost and expense of providing for and maintaining the police department of such city for the ensuing fiscal year, which estimate shall be in detail; and the taxes levied by council for maintaining the police department, when collected, shall be paid into the city treasury, and styled the "police fund," and shall be drawn therefrom for police purposes only, under the regulations of this act. All costs, and expenses of every nature of providing for, and maintaining, the police department of such city, shall be paid out of said police fund only on orders of the board, certified by the city clerk, provided, that the city clerk, under such rules and regulations as may be adopted by the board, may certify an order, drawn in his own favor, approved by the board, for the aggregate amount due the officers and employes of the board, and dispense

the money received to pay the claims of the officers and employes on the pay rolls, taking receipts therefor.

2. No officer, or member of the police force, shall be a candidate for, or hold, any elective office, or shall he be a delegate to any political convention, or take part in any primary election, or caucus, except to cast his vote. Any interference by any officer or member of the police force in elections or conventions for or against any political party or candidate, or the candidacy of any officer or member of the force for an elective office, shall require his dismissal from the force.

3. The board of public affairs shall appoint a superintendent of the city prison, and employ such persons as may be necessary for its proper care. The said superintendent shall have the same qualifications and powers as policemen, and be subject to the provisions of this act as applied to policemen. He shall have charge and control of the city prison, and the prisoners therein, conformable to such rules as the board may prescribe, and shall receive such salary as the board may allow him within limits fixed by ordinance of council.

4. The board of public affairs shall cause the city prison to be kept clean, and made comfortable for the inmates thereof, and shall provide food, sustenance, medical attention, and necessary supplies for the proper care of all persons confined therein; and shall cause to be kept, in books provided for that purpose, a detailed account of all the expenses so incurred, and a record in which shall be entered the full name, and the nationality, of every person confined therein, the time of his or her arrest, the offense charged, the name and residence of complainant, memorandum of articles taken from persons when searched, the name of the officer or policeman making the arrest, which entries shall be made and attested by the officer in charge of the prison at the time such person is received thereat, and said record shall be open to the inspection of the mayor, officers of the police force, members of the board and such persons as may obtain a written permit from the president thereof.

Sec. 1707f—29. 1. In cities of the second class, third grade *c*, the management and control of the fire department shall be, and is, hereby vested in the board of public affairs, and said board shall have power to purchase all the necessary supplies, horses, engines and apparatus for the department, and to make necessary repairs to the houses, engines or apparatus belonging to the department; but said board shall have no power to incur any liability on account of the said department on behalf of such city beyond the amount levied, and set apart by their order, for the fire department, by the city council, and all claims on account of the department shall be approved by the board, and when so approved, the same shall be certified by the president and city clerk, and all contracts on account of the department shall only be made in conformity with the provisions of this act as applicable to the board of public affairs in such cities with reference to contracts.

2. The board of public affairs shall, by and with the approval and consent of council, appoint an executive officer to be known as the chief of the fire department, and who shall have active management of the department in service; and also such members and employes as it may deem necessary, who shall serve during the pleasure of the board; and all appointments to the department shall be made only with a view to

capability and efficiency on the part of the appointee, and no appointment shall be made to, and no vacancy created in, the fire department solely for political reasons.

3. The fire alarm telegraph attached to the fire department shall be under the control and subject to the regulations of the board. The chief and assistant shall act as fire wardens, under the direction of the board, and shall have power to enter and examine any building in which fire is used, and may condemn the same if it be considered dangerous to the public safety; and whenever complaint is made of the dangerous condition of any building, or part thereof, it shall be their duty to immediately examine into the same, and cause the proper measures to be taken to put it in a safe condition.

4. The board shall fix the salaries of all officers, members, and employes of the fire department, within such limits as may be prescribed by ordinance of council; the board shall prescribe the duties of the officers, members and employes of the department, and from time to time shall make such rule for the government of the department, as they may deem necessary.

SECTION 10. That section 1718c (as amended February 10, 1892), be, and the same is hereby amended so as to read as follows:

Sec. 1718c. In cities of the second class, third grade *a*, and third grade *c*, there shall be appointed by the board of tax commissioners, in April of each year, an assessor for each ward, who shall be an elector thereof, and shall take the same oath, and give the same bond, receive the same compensation, and perform the same duties as are provided in respect to township assessors.

SECTION 11. That section 1755 (as amended February 10, 1892), be, and the same is hereby amended so as to read as follows:

Sec. 1755. The clerk shall attend all the meetings of the council, and make a fair and accurate record of all its proceedings, and of all rules, by-laws, resolutions, and ordinances passed by the council, and the same shall be subject to the inspection of all persons interested; and in case of his absence from any meeting, the council shall appoint one of its own number to perform his duties for the time; and in cities of the second class, third grade *a*, and third grade *c*, he shall also act as clerk of the board of public affairs, attend all of its meetings, and make an accurate record of all its proceedings, and perform such other duties as may be required by said board.

SECTION 12. That the following section be enacted as supplementary to section 1781 of the Revised Statutes with sectional numbering as follows:

Sec. 1781a. In cities of the second class, third grade *c*, the city solicitor, shall be appointed, by the board of public affairs by and with the consent of council, for a term of three years, and he shall receive as compensation for his services, as such solicitor, a salary of one thousand dollars per annum, payable quarterly; provided, that the city solicitor of such city in office when this act takes place, may serve the remainder of the time for which he was elected.

SECTION 13. That section 1785 (as amended February 10, 1892), be, and the same is hereby amended so as to read as follows:

Sec. 1785. In cities of the first class, and in cities of the third grade, third grade *a*, and third grade *c*, of the second class, there shall be a court, held by the police judge, which court shall be styled the police court, and be a court of record. Provided that in cities of the third grade *c*, the city council by a two-thirds vote may abolish the office of police judge and vest the mayor of said city with all the powers of a police judge as provided by the Revised Statutes of the state of Ohio; and when such office of police judge has been so abolished, it shall not be again reestablished except by a like vote of council, but no action of council shall extend or curtail the term of office of a mayor or police judge who may be serving at the time the change may be made by council.

SECTION 14. That the following section be enacted as supplementary to section 1785 of the Revised Statutes with sectional numbering as follows:

Sec. 1785*g*. In cities of the second class, third grade *c*, there shall be chosen by the electors therein, at the first annual municipal election held after the passage of this act, a police judge, who shall serve for the term of three years, and until his successor is elected or appointed and qualified, and thereafter, as the term of such officer expires, his successor shall in like manner be elected to serve for the term herein provided, and the police judge in such city shall be ex officio clerk of the police court; and a vacancy in the office of such police judge shall be filled by the governor until the next municipal election, when it shall be filled for the unexpired term.

SECTION 15. That the following section be enacted as supplementary to section 1797 of the Revised Statutes with sectional numbering as follows:

Sec. 1797*c*. In cities of the second class, third grade *c*, the police judge shall be ex officio clerk of the police court, and shall receive such compensation for the performance of both the duties of police judge and clerk of police court as may be allowed him by ordinance of council, and the county commissioners, as provided in section 1808 and no more; provided, that any such police judge may receive such fees for taking acknowledgments, depositions, and affidavits, as are allowed by law to justices of the peace for like services.

SECTION 16. That section 1808 (as amended April 19, 1894), be so amended as to read as follows:

Sec. 1808. He shall give such bonds, with sureties, as may be required by the council and county commissioners, and shall receive for his services, in cities of the first class, in city cases, a fixed salary to be prescribed by ordinance of the council, of not less than twelve hundred dollars nor more than two thousand dollars per year, and for state cases such further allowance as the county commissioners may deem proper, but not exceeding twelve hundred and fifty dollars per year, and in cities of the third grade *a*, and third grade *c*, of the second class, in city cases, a fixed salary, to be prescribed by ordinance of the council of not less than six hundred dollars nor more than one thousand dollars per year and for state cases such further allowance as the county commissioners may deem proper, but not exceeding two hundred dollars per year.

SECTION 17. That section 2113 of the Revised Statutes (as amended February 25, 1894), be so amended as to read as follows:

Sec. 2113. The council of each city and village shall establish a board of health; such board shall be composed of the mayor, who shall be president by virtue of his office, and six members, to be appointed by the council, not more than two of whom shall be medical practitioners, who shall serve without compensation, and a majority of whom shall constitute a quorum. Provided, that none of the provisions of this section shall apply to cities of the first class nor to cities of the first or second grade of the second class, nor to cities of the second class, third grade *a*, and third grade *c*. And provided further, that the board of public affairs of cities of the second class, third grade *a*, and third grade *c*, shall have the powers and perform the duties conferred and imposed upon the board of health by chapter one, division six, title twelve of the Revised Statutes of Ohio.

SECTION 18. That the following section be enacted as supplemental to section 2154 of the Revised Statutes with sectional numbering as follows:

Sec. 2154*a*. In cities of the second class, third grade *c*, the board of public affairs shall have the powers, and perform the duties conferred and imposed upon the board of hospital commissioners, in such cities, by chapter three, division six, title twelve of the Revised Statutes of Ohio.

SECTION 19. That section 2328 of the Revised Statutes (as amended March 28, 1889), be so amended as to read as follows:

Sec. 2328. The council shall provide by ordinance for the construction and repair of all necessary sidewalks within the limits of the corporation, and may require by the imposition of suitable penalties or otherwise, the owners and occupants of abutting lots and lands to keep the sidewalks and gutters in repair, free from snow or any nuisance; provided, however, that in cities of the first grade of the first class, and in cities of the third grade *a*, and third grade *c*, of the second class, all duties and powers herein, otherwise imposed on or conferred upon council in relation to sidewalks or the construction or repair of the same, shall be exercised by the board of public affairs of any such city; and it shall not be necessary to have the action or concurrence of council in any of said proceedings.

SECTION 20. That the following section be enacted as supplementary to section 2408 of the Revised Statutes with sectional numbering as follows:

Sec. 2408*a*. In cities of the second class, third grade *c*, the board of public affairs shall have the power and perform the duties conferred and imposed upon the trustees of water-works by chapter one, division eight, title twelve of the Revised Statutes of Ohio.

SECTION 21. That the following section be enacted as supplemental to section 2518 of the Revised Statutes with sectional numbering as follows:

Sec. 2518*a*. In cities of the second class, third grade *c*, the board of public affairs shall have the power, and perform the duties conferred and imposed upon cemetery trustees by chapter seven, division eight, title twelve of the Revised Statutes of Ohio.

SECTION 22. That section 2682 of the Revised Statutes (as amended March 23, 1891), be so amended as to read as follows:

Sec. 2682. The council of a city or village shall have power to levy, annually, for the general purposes of the corporation, such amount of taxes, on each dollar of valuation of taxable property in the corporation on the tax list, as may be determined upon by it, not exceeding the following rates:

In a village, one-half of one mill.

In a city of the first or second grade of the second class, one mill.

In a city of the third grade, or third grade *a*, or third grade *c*, or fourth grade of the second class, two mills.

In a city of the first grade of the first class, four and one-half mills.

In a city of the second grade of the first class, two mills.

In a city of the third grade of the first class, two mills.

SECTION 26. That section 2680a of the Revised Statutes (as amended April 24, 1896), be so amended as to read as follows:

Sec. 2689a. The aggregate of all taxes levied or ordered by any other municipal corporation than cities of the first grade of the first class, including the levy for general purposes above the tax for the county and state purposes, and excluding the tax for school and school-house purposes, shall not exceed in any one year, in cities of the second grade of the first class, nine and three-tenths mills; for paving streets, seven-tenths of one mill; for park purposes, five-tenths of one mill; for sewer purposes, three mills; and such further rates as may be necessary to pay the interest on the public debt, and to create a sinking fund as provided in section two thousand seven hundred and twelve; in cities of the third grade of the first class, sixteen mills; provided, however, that out of the proceeds of such levy the interest on the indebtedness of such corporations shall first be paid; and annually not less than two (2) mills of the remainder shall be levied for sinking fund purposes; in cities of the first and second grades of the second class, eight mills, and in addition thereto, such further rates not exceeding five-eighths of one mill, as may be necessary to create a sinking fund for the payment of the principal and interest of the bonds of such cities that may hereafter be issued for the purpose of building and maintaining main trunk sewers in said cities; in cities of the third grade of the second class, and third grade *c* of the second class, thirteen, and in cities of the third grade *a* of the second class ten mills; provided that in cities of the third grade of the second class, which by the federal census of 1880 had a population exceeding (15,800) fifteen thousand eight hundred, such cities for the purpose of constructing wharfs and landings, and keeping the same in repair, are authorized to levy such further sum, not exceeding eighteen mills in all, as may be necessary to provide a fund for the construction and keeping in repair of such wharfs and landings; in cities of the fourth grade of the second class, nine mills; in villages of the first class, eight mills; and in all other villages ten mills on each dollar of the value of any property as valued for taxation on the county tax list; provided, however, that in all cities of the fourth grade of the second class, such further rate may be levied in addition to the foregoing limitation as will enable the cities to comply with any contract entered into by such cities or any of them, under the provisions of section two thousand four hundred and thirty-four, as amended January 29, 1885 (O. L., vol. 82, p. 11); and also provided, that the councils of the municipalities mentioned in this section shall, annually at the time the rate of levy is fixed, provide by ordinance for the distribution of the tax among the several

departments of the corporation in such proportion to their needs as the council may deem necessary; and that at no time thereafter shall the amounts specified as necessary for the purposes named, be changed, and all transfers of funds from one account to another are hereby expressly prohibited; provided however, that nothing in this section shall be construed or considered as prohibiting the council of any incorporated village from transferring by resolution or ordinance, any surplus or part of surplus now or hereafter existing in the police fund of such village, arising from the special tax known as the Dow law tax, to any other fund or funds of the same, for the uses for which such other fund or funds are established.

SECTION 24. That section 2805 of the Revised Statutes (as amended February 10, 1892), be so amended as to read as follows:

Sec. 2805. In each city of the first and second class there shall be an annual board for the equalization of the value of real and personal property, moneys, and credits in such city, to be composed of the county auditor and six citizens of such city, appointed by the council thereof, except in cities of the second grade, first class, where the mayor of such cities shall make such appointments, the first appointment to be two for one year, two for two years, and two for three years, except in cities in which such boards are already organized, when two shall be appointed for three years, and two shall be thereafter appointed annually for three years; and all vacancies shall be filled for the unexpired term provided, that the provisions of this act shall not affect any person or persons heretofore appointed, and now in office, during the time for which they shall have been appointed; but in cities of the second class, third grade *a*, and third grade *c*, said six members shall be appointed by the board of tax commissioners, and the appointment of said board shall be so made, and the vacancies shall be so filled, that not more than three members thereof shall be of the same political party, faith and allegiance, the first appointments to be two for one year, two for two years, and two for three years, and all the vacancies shall be filled for the unexpired terms from persons of the same political faith as those whose terms shall have expired. Said boards shall have all the powers, and be governed by the rules, provisions, and limitations prescribed in the next preceding section, for the annual county board; each member of said board is authorized to administer oaths, and said board is empowered to call persons before them, and examine them, under oath, in regard to their own or others' property, moneys, credits and investments, and the value thereof, and to equalize the value of real and personal property, moneys, credits, and investments within such cities, and to order any property, credit or investment to be placed on the duplicate for taxation, and fix the value thereof according to law, which has not been listed for taxation, and to increase the value of such property, moneys, credits and investments, as have in their judgment, been listed at less than their true value in money, and to reduce the value of such property, moneys, credits or investments as have been appraised above their true value in money, and shall annually meet at the office of the county auditor on the fourth Monday in May, except in cities of the first and second grade of the first class, when it shall meet on the fourth Monday in May, and shall close its session on or before the second Monday of September; except that in cities of the third grade of the first class, and in cities of the first and second grades of the second class, and in cities of the second class,

third grade *a*, and cities having a population of twenty thousand and over by the last federal census, and which have not been by ordinance advanced to a city of the second grade of the second class, said board shall close its session on or before the first Monday of August; and in cities of the third, third grade *c* and fourth grades of the second class, said board shall close its session on or before the fourth Monday of June then next following. For each day necessarily employed in the performance of their duties, the members of said board shall each receive, in cities of the first class, and in the first and second grades of the second class, and in cities of the second class, third grade *a*, and in cities having a population of twenty thousand and over, ascertained as aforesaid, and which have not been advanced to a city of the second grade of the second class, the sum of five dollars per day, and in cities of the third grade, third grade *c*, and fourth grade of the second class, the sum of three dollars per day, and in cities of third and fourth grades of the second class, not county seats, the members of such board shall receive, in addition to the sum of three dollars per day, ten cents per mile traveling expenses going to the said county seat; and in cities of the first class, first grade, the auditor shall receive no compensation as a member of the board, but the board may appoint all necessary messengers and clerks, not exceeding six of each, who shall receive three dollars per day for their services, for the time actually employed, which shall be paid out of the county treasury. The county auditor may act by his deputy or chief clerk in all city boards of equalization, and, in addition to the clerks herein authorized, the auditor of the county having a city of the first grade of the first class, shall appoint a clerk, who shall be styled the chief clerk of the board of equalization, at a salary of five dollars for each day's services performed; and such boards shall each have the same powers as are conferred upon annual county boards by the next preceding section, and upon complaint of the presiding officer thereof to the probate judge, the same proceedings shall be had against persons notified and neglecting or refusing to appear before them, or refusing to swear, or answer questions, as is provided in section two thousand seven hundred and eighty-three; and county solicitors, or, where there is no such office, the prosecuting attorney of the county shall act as the legal adviser and attorney for the county board, and the city solicitor of the city board of equalization; provided, however, that this act shall not be deemed to supersede, or in any manner affect section two of an act entitled "An act supplementary to and amendatory of title XII of the Revised Statutes of Ohio," passed March 26, 1891.

SECTION 25. That an act entitled an act "To provide for an extension of time in which annual boards of equalization in certain cities shall complete their work," and passed April 17, 1891, be, and the same is hereby repealed.

SECTION 26. That section 2815 of the Revised Statutes of Ohio (as amended March 23, 1891), be so amended as to read as follows:

Sec. 2815. In each city of the first and second class there shall be a decennial board for the equalization of the value of the real property within such city, to be composed of the county auditor and six citizens of such city, appointed by the council thereof, except that in cities of the first grade of the first class, said six members shall be appointed by the city comptroller of such city and shall consist of three members of each of the two leading political parties, and except that in cities of the second

class, third grade *a*, and third grade *c*, said six members shall be appointed by the board of tax commissioners, and not more than three of the persons so appointed shall be members of the same political party. Said board shall convene at the office of the county auditor on the third Monday of September, in the year 1900, and every tenth year thereafter; and they shall severally take the same oath as that prescribed for the decennial county board; and a record of the proceedings and orders of said decennial city board of equalization shall be kept by the auditor.

SECTION 27. That section 2926~~t~~ of the Revised Statutes of Ohio (as amended April 27, 1896), be so amended as to read as follows:

Sec. 2926~~t~~. Each member of the board of elections appointed under this act, in cities of the first grade in the first class, shall be allowed and paid a salary of one thousand dollars (\$1,000) per annum, in cities of the second grade in the first class, a salary of six hundred (\$600) [dollars] per annum. And in cities of the third and fourth grades in the first class, and the first and second grades of the second class, a salary of four hundred (\$400) dollars per annum, payable quarterly, and in cities of the third grade, third grade *a*, in the second class, a salary of two hundred (\$200) dollars per annum, payable quarterly, and in cities of the third grade *c* of the second class, a salary of one hundred (\$100) [dollars] per annum, payable quarterly, and in cities of the fourth grade in the second class, a salary of fifty (\$50) [dollars] per annum, payable semi-annually. The secretary of the board of elections in cities of the first grade in the first class, shall be allowed and paid a salary of two thousand and four hundred (\$2400) dollars per annum, in monthly payments, and in cities of the second grade in the first class, a salary of two thousand (\$2,000) [dollars] per annum, in monthly payments, and in cities of the third grade in the first class, six hundred (\$600) dollars per annum, in monthly payments; and in counties containing a city of the first class, fourth grade, each member of the board shall be paid a salary of four hundred (\$400) dollars, three hundred of which amount to be paid from the city funds, and one hundred from the general funds of the county in which the city is situated; and the secretary in such city of the first class, fourth grade, shall be paid a salary of six hundred and fifty (\$650) [dollars], four hundred and fifty of which to be paid from the city funds, and two hundred from the general fund of the county, and the money payable from the county fund shall be on warrants drawn by the county auditor upon orders certifying the said services, signed by the president and secretary of the board, said payments to be in monthly installments; and in cities of the first grade, second class, a salary of five hundred (\$500) dollars per annum in monthly payments; and in cities of the second grade of the second class, a salary of one thousand (\$1,000) dollars per annum, to be paid in monthly installments, and in cities of the third grade, third grade *a*, of the second class, a salary of two hundred (\$200) dollars per annum, and such additional sum, not exceeding one hundred and fifty dollars per annum, as the board may allow, payable quarterly; and in cities of the third grade *c*, of the second class, a salary of \$100 per annum, and such additional sum not exceeding \$100, as the board may allow, payable quarterly, and in cities of the fourth grade in the second class, a salary of one hundred (\$100) dollars per annum, payable quarterly, which salaries shall be paid from the city treasury upon orders certifying the said services signed by the president and secretary, to the city comptroller, city auditor, or city clerk of such city. The registrars of

each election precinct shall be allowed and paid three dollars per day, and no more, nor for more than six days in any one election, for their services as registrars. The judges of election, including the registrars as such, and the clerks of election so appointed, shall each of them be allowed and paid five dollars for each election at which they serve, and no more, either from the city or county, except that in cities of the third and fourth grade, third grade *a*, and third grade *c*, in the second class, they shall each be allowed and paid three dollars for each election at which they serve, and no more, either from the city or county. But no registrar, judge or clerk, shall be entitled to the compensation so fixed, except upon the allowance and order of the board of elections, made at a joint session, certifying that each has fully performed his duty according to law as such, and stating the number of days' services actually performed by each, and signed by the president and secretary of the board to the city comptroller, city clerk or city auditor of such city; but for all general elections, other than municipal, the county in which such city is located shall pay the general expenses of such registration and election; and such allowance and order for such expenses and compensation to such registrars, judges and clerks, shall be signed by the president and secretary of such board to the county auditor of such county, who shall issue his warrants upon the county treasurer for such amount.

SECTION 28. That section one of an act entitled "An act to provide for the appointment of a tax commission in counties having a population of thirty-three thousand five hundred and eleven (33,511) at the last federal census, and to repeal an act therein named," and passed May 2, 1885, be so amended as to read as follows:

Sec. 1. That in counties containing cities of the third grade *c*, second class, there shall be appointed and organized as hereinafter provided, a tax commission for such county and city situate therein, consisting of three members, who shall be appointed by the court of common pleas, within and for such county, or a resident judge thereof in vacation, in the manner following, to wit: At the April term of said court, A. D. 1885, unless sooner appointed, said court shall appoint one member of said tax commission to serve for the term of one year, one member to serve for the term of two years, and one member to serve for the term of three years, and their successors from year to year shall be appointed for the full term of three years by said court at the term thereof within said county next preceding the first Monday of May in each year. A minute of said appointment shall be kept by the clerk of said court, and a notice thereof shall issue to the sheriff of said county, who shall forthwith serve the same on each person so appointed. Said sheriff shall be allowed out of the county treasury, upon the approval of the court of common pleas, the same compensation for serving the members of said commission as is allowed by law for the service of subpoenas. No person holding any other public office within and for said county and city, shall be eligible to serve as a member of said commission, and such appointment shall be so distributed that each political party shall be represented in said commission as nearly as may be in proportion to its average vote, but nothing herein shall prevent the appointment of persons who act independent of political organizations, the object of this provision being to make and continue said commission non-partisan in its political character.

SECTION 29. That the following section be enacted as supplementary to section one, as hereby amended, of an act entitled "An act to provide for the appointment of a tax commission in counties containing cities of the third grade *c*, second class," with sectional numbering as follows:

Sec. 1a. (1) The tax commission, as provided in section 1718*c* of the Revised Statutes, shall, in the month of April of each year, appoint an assessor for each ward in such city. (2) The tax commission shall appoint the board of equalization in such city, as provided in section 2805 of the Revised Statutes, and the present board of equalization shall be, and the same is hereby abolished. (3) The tax commission shall appoint the decennial board of equalization in such city as provided by section 2805 of the Revised Statutes.

SECTION 30. That the following section be enacted as supplementary to chapter 2, title 3, of the Revised Statutes of Ohio, with sectional numbering as follows:

Sec. 3898a. In city school districts of the first class in cities of the second class, third grade *c*, the board of education shall consist of three members from the city at large, and one member from each of the wards in such city. The members at large shall be elected for terms of three years each by the qualified electors of such city; and the members from the wards shall be elected for terms of two years each by the qualified electors therein, at the annual municipal election; provided, however, that, at the first election held under the provisions of this act, the three members at large shall be elected for terms of one, two and three years, respectively, and thereafter at the expiration of such terms all such elections of a member at large shall be for a period of three years; and the members of said board representing the even numbered wards of such city shall be elected each for a term of two years, and those representing the odd numbered wards thereof shall be elected each for a term of one year, and thereafter, at the expiration of said terms, all such elections of ward members shall be for the period of two years; and upon the election and qualification of the board of education in such districts as herein provided, the board of education existing therein shall be, and the same is hereby abolished. It shall be the duty of the members at large to elect and employ a superintendent of instruction, and such superintendent shall, by and with the consent of the members at large of such board, appoint all the teachers in the public schools of such city, and no person shall be appointed as a teacher in such schools, who is a relative of any of the three members at large.

SECTION 31. That all the provisions of law, in force when this act takes effect, which may be inconsistent with any of the provisions of this act, shall be held to be superseded by the latter, as to the matter of inconsistency, and not otherwise, as to cities of the second class, third grade *c*.

SECTION 32. That said original sections 1546, 1548, 1672, 1682, 1718*c*, 1755, 1785, 1808, 2113, 2328, 2682, 2689a, 2805, 2815, 2926*t*, and original section 1, of an act entitled "An act to provide for the appointment of a tax commission in certain counties," (and passed May 2, 1885), be and the same are hereby repealed.

SECTION 33. Provided, that in cities which, on the first day of July, A. D. 1890, have more than twelve thousand three hundred and less than thirteen thousand three hundred inhabitants, and those which, on the first

day of July, in any year, have, when ascertained in the same way, more than twelve thousand three hundred and less than thirteen thousand three hundred inhabitants, the city council shall submit the proposition of a new charter to the qualified electors of said city at a general or special election held for such purpose, at such time and places in the corporation, such council may determine by resolution. Notice shall be given of the time and places of holding such election in two newspapers of general circulation in such city, and the form of the ballot shall be as follows: Those in favor of a new charter shall have written or printed on their ballots, "New charter — Yes." Those opposed to a new charter shall have written or printed on their ballots, "New charter — No." A return of said vote shall be made by the city election board to the council at the first regular meeting after such election, and the result shall be entered upon the minutes of said council, and if it appears that more of the ballots cast at such election had written or printed thereon the words, "New charter — Yes," than there were ballots cast that had written or printed thereon, "New charter — No," then the council shall be in full force and effect, and the charter as herein provided shall so declare. And the proposition of the adoption of a new charter, according to the provisions of this act, shall not be submitted to a vote of the people more than once in each calendar year.

SECTION 34. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.
186L

Passed April 21, 1898.

[Senate Bill No. 498.]

AN ACT

To repeal an act entitled "An act to authorize cities of the second grade of the first class to procure ground and to construct, maintain and operate a flushing tunnel, and to provide for the issuing of bonds and raising taxes to pay the same" (O. L., 92, page 707), and also an act passed May 4, 1885 (O. L., 82, page 250), entitled "An act authorizing any city of the second grade of the first class, to construct a conduit or drain and procure necessary machinery to be used in connection therewith and all necessary land and issue the bonds of the city to provide means to pay the cost and expense thereof."

[CLEVELAND.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That an act passed April 27, 1896, entitled "An act to authorize cities of the second grade of the first class to procure ground and to construct, erect, maintain and operate a flushing tunnel, and to provide for the issuing of bonds and raising taxes to pay the same (O. L., 92, page 707), and also an act passed May 4, 1885 (O. L., 82, page 250), entitled "An act authorizing any city of the second grade of the first class, to construct a conduit or drain and procure necessary machinery to be used in connection therewith and all necessary land and issue the bonds of the

city to provide means to pay the cost and expense thereof," be and the same is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
187L

Passed April 22, 1898.

[Senate Bill No. 446.]

AN ACT

To authorize cities of the second class, third grade *a*, to issue bonds for park purposes.

[SPRINGFIELD.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of any city of the second class, third grade *a*, wherein a public park has been, or hereafter may be established, be and it is hereby authorized and empowered, upon application of the board of park commissioners of such city, to issue from time to time bonds of such city, designated "park bonds," not exceeding in the aggregate twenty thousand (\$20,000) dollars, for the purpose of improving and beautifying any such public park in any such city.

SECTION 2. Such bonds shall be in such denominations, run for such length of time, not exceeding thirty years, and bear such rate of interest, not exceeding five per cent. per annum, payable semi-annually, as such council may by ordinance determine. They shall be signed by the mayor and the city clerk of such city, and be sealed with the seal of the corporation, and shall be advertised and sold in the manner provided by law for the sale of municipal bonds, and the proceeds of the sales thereof shall be applied exclusively to the purposes for which such bonds are issued.

SECTION 3. For the purpose of paying the principal and interest of any bonds issued under authority of this act, as they mature, the council of any such city is hereby authorized and empowered, from time to time, to levy upon all the taxable property of any such city, and collect the tax thereof to pay such principal and interest.

SECTION 4. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
188L

Passed April 22, 1898.

[Senate Bill No. 65.]

AN ACT

To provide for the relief of a benevolent and charitable institution known as the _____ home and hospital in Hancock county, in the state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in all counties in the state of Ohio containing a population by the last federal census of not over 42,600 people, and containing a city of the third grade, second class, and in which is operated by any corporation or association of persons, a hospital incorporated or organized for purely charitable purposes, in which all the indigent poor of the county requiring the same receive medical and surgical treatment free of charge, the county commissioners of such counties be and they hereby are authorized and required to pay to such hospital association out of the Dow tax and surplus dog tax the sum of \$1800 per year, payable on the first day of January and July, in equal payments, for a period of five years for the maintenance and support of such indigent poor so requiring such treatment and the reimbursement of such organization so operating such hospital for necessary expenditures in the medical and surgical treatment of such persons.

SECTION 2. Provided, however, that before section 1 of this act shall be held to be binding upon said county commissioners, there shall be submitted to the qualified electors in such county, for their approval or rejection, the desirability of giving such home and hospital association the relief herein provided. All official ballots at next said general election after the passage of this act shall contain the words, "For hospital relief—Yes," "For hospital relief — No;" and if a majority of all the voters voting at said election shall vote "For hospital relief — Yes," then said commissioners shall be fully authorized and directed to carry into effect the provisions of section 1 of this act, and all other matters relating to the submission to said qualified electors of the question herein provided for shall be conducted under the general provisions of law for such purposes.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
189L

Passed April 23, 1898.

[Senate Bill No. 451.]

AN ACT

To amend section 3 of an act passed March 23, 1898, entitled "An act to provide for the reorganization of boards of education in city districts of the third grade of the first class."

[TOLEDO.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3 of an act passed March 23, 1898, entitled "An act to provide for the reorganization of boards of education in city districts of the third

grade of the first class," be and the same is hereby amended so as to read as follows:

Sec. 3. At the first election of such board, which shall be held on the first Monday in April, 1898, five members of the board shall be elected. The candidate receiving the highest number of votes cast shall be elected to serve for five years; the candidate receiving the second highest number of votes cast shall be elected to serve for four years; the candidate receiving the third highest number of votes cast shall be elected to serve for three years; the candidate receiving the fourth highest number of votes cast shall be elected to serve for two years, and the candidate receiving the fifth highest number of votes cast shall be elected to serve for one year. At the regular annual municipal election each year after the first election one member shall be elected for five years to succeed the member whose term expires with the current year.

SECTION 2. That said original section 3 of an act passed March 24, 1898, entitled "An act to provide for the reorganization of boards of education in city districts of the third grade of the first class" be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
190L

Passed April 23, 1898.

[Senate Bill No. 485.]

AN ACT

To supplement section 1905 of the Revised Statutes of Ohio.

[CINCINNATI.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following section shall constitute a section supplementary to section 1905 of the Revised Statutes of Ohio, with sectional numbering as follows:

Sec. 1905a. If any member of said police force in cities of the first grade of the first class, shall, while in the performance of his duties, be killed, or die from the effects of an injury thus received, or of any disease thus contracted, or if any member of said police force shall, after fifteen years' service therein, or while retired, subject to the provisions hereinafter stated, die from any cause, such member so killed or dying from said injury or disease, or after said term of service or retirement, subject to the provisions hereinafter stated, shall leave a widow or minor child or children, under sixteen years of age, or a mother who depended upon him for support, the board of directors of the police relief fund in such cities of the first grade of the first class, shall be subject to the approval of the board of police commissioners, authorize and direct the payment from the said police relief fund the following sums monthly, viz.: To such widow, while unmarried, the sum of twenty (20) dollars; to the guardian of such minor child or children, six (6) dollars for each

of said children, until each child shall respectively arrive at the age of sixteen years, and twenty (20) dollars to such dependent mother until she remarries; and in case there is no dependent mother, but a father who is dependent upon such member for support, such dependent father shall be paid the same sum monthly as provided herein to be paid to a dependent mother; provided, however, that if at any time there should not be sufficient money or bonds to pay to each person entitled to the benefit thereof the full amount as hereinbefore stated, then and in that event, an equal percentage of said monthly payments shall be made to each beneficiary thereof, until said fund is so replenished as to warrant the payment in full to each of said beneficiaries. Provided, however, that the provisions of this section, so far as they are applicable to retired members, shall apply only to the widow and child or children of such member, who were the wife or child or children at the date of the retirement of such member, and not to a widow who became the wife of such member or to the child or children born to such member, after the date of his retirement. The provisions of this section shall apply to the families of all members who have been, or may hereafter be killed, or who have died or may hereafter die, of injuries received, in the performance of their duties in any police force now organized, or that may be hereafter organized in any such city.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
191L

Passed April 23, 1898.

[Senate Bill No. 326.]

AN ACT

To create a joint subdistrict including portions of Lanier township, Preble county, Ohio, and Jackson township, Montgomery county, Ohio, and to provide school facilities for the youth residing therein.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following described territory in the township of Lanier, county of Preble, and state of Ohio, and the township of Jackson, county of Montgomery, and state of Ohio, be and the same is hereby constituted a joint sub-school district, to wit: Beginning at the center of section twenty-four in Lanier township, and running thence south on the half section line to the south boundary line of said township; thence east on said township line and the south line of section thirty-one in Jackson township to the southeast corner of said section thirty-one; thence north on the east line of said section to the half section line; thence west on the half section line to the center of said section; thence north on the half section line to the center of section 19 in said Jackson township; thence west on the half section line to the place of beginning.

SECTION 2. Said joint sub-school district shall be governed in all respects by the laws now in force or hereafter enacted for the government of joint subdistricts.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 23, 1898.

192L

[Senate Bill No. 536.]

AN ACT

To authorize commissioners of Stark county, Ohio, to transfer certain funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Stark county be and they are hereby empowered to transfer \$10,000 from the poor fund and \$20,000 from the building fund to the bridge fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 23, 1898.

193L

[House Bill No. 793.]

AN ACT

To amend section 8 of an act entitled "An act to authorize the commissioners of Fayette county, Ohio, to levy a tax for the purchase of a site and erecting thereon a soldiers' library and memorial building," and repealing an act passed February 2, 1892, for the purpose of erecting a soldiers' monument and authorizing a transfer of funds collected under said act, passed April 27, 1896.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That section 8 of an act entitled "An act to authorize the commissioners of Fayette county, Ohio, to levy a tax for the purchase of a site and erecting thereon a soldiers' library and memorial building," and repealing an act passed February 2, 1892, for the purpose of erecting a soldiers' monument, and authorizing the transfer of funds collected under said act, be and is hereby amended to read as follows:

Sec. 8. Provided, that before said bonds shall be issued, tax levied, or funds transferred, the commissioners of said county shall submit the proposition of issuing said bonds, levying said tax, and transferring said funds, to the electors of said county at a general or special election, notice of which shall be published in a newspaper of general circulation in said county, at least ten days before said election. And all electors favoring said proposition shall have written or printed on their ballots, "For memorial library and memorial building bonds, annual levy, and transfer of funds — Yes." And those opposed to said proposition, shall have written or printed on their ballots, "For memorial library and mem-

orial building bonds, annual levy, and transfer of funds — No,” and said ballots shall be deposited in separate ballot box provided for that purpose. And if a majority of the electors voting at such election, upon the question of the issuing of said bonds, levying said tax and transfer of said funds shall vote in favor thereof, then said commissioners of Fayette county shall proceed to carry out the provision of this act, of which this is amendatory, is hereby repealed and this act shall take effect from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.
194L

Passed April 23, 1898.

[House Bill No. 346.]

AN ACT

To create a special school district in Canaan township, Wayne county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That subdistrict No. 8 of Canaan township, Wayne county, Ohio, be and the same is hereby constituted and created a special school district, to be known as Canaan special school district No. 1.

SECTION 2. The board of education for said special district shall be elected as provided in section 3924 of the Revised Statutes for the election of boards of education of special districts created after the passage of said act.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.
195L

Passed April 23, 1898.

[House Bill No. 690.]

AN ACT

To divide Pike township, Stark county, Ohio, into two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That Pike township, Stark county, be and the same is hereby divided into two election precincts, the boundary of said precincts to begin at the northeast corner of section one (1); thence west to the west line of section three (3); thence south to the south line of section sixteen (16); thence west along the south line of said section sixteen (16) to the west line of said section sixteen (16); thence south to the county line; the precinct east of said boundary to be known as Sparta precinct, and the precinct west of said boundary line to be known as Otterbein precinct. Provided, that the question of dividing said township as aforesaid,

shall be submitted to a vote of the qualified electors of said township at the next general election to be held the first Tuesday after the first Monday in November, 1898. Notice shall be given of the time of holding such election by posting written or printed notices in not less than five conspicuous places ten days prior to said election; and the ballot shall be as follows: Those in favor of two precincts shall have written or printed on their ballots, "Two precincts — Yes." Those opposed, "Two precincts — No." Said ballots shall be provided by the duly elected and qualified central committeemen of said township, the returns shall be made to the board of elections of Stark county, Ohio, and if it appears that a majority of the ballots cast were in favor of the division of said township as aforesaid, then the board of elections of said Stark county shall divide said township into two election precincts as herein provided.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 23, 1898.

196L

[House Bill No. 718.]

AN ACT

To create a special school district in Wadsworth township, Medina county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever a majority of the school board of Wadsworth village, Medina county, and a majority of the school board of Wadsworth township, Medina county, shall request the trustees of Wadsworth township, Medina county, to submit to the qualified electors of the township the question of establishing a special school district of Wadsworth township, the trustees shall, at least thirty days before the next general election, give notice by inserting a notice in some newspaper of general circulation in the township that such a proposition will be submitted to a vote of the electors of the township at such election, and notify the deputy state supervisors of elections, who shall furnish suitable ballots to carry out the provisions of this act, and such election shall be conducted in the same manner as for the election of township officers.

SECTION 2. If the majority of the votes cast at such election upon the submitted proposition shall be in favor of a special school district, on the first Monday of April following, the deputy state supervisors of elections shall provide for the election of two members of a school board for one year, two for two years, and two for three years, and annually thereafter two members to serve for three years shall be elected.

SECTION 3. The school board so elected shall have control of all the schools of the township now controlled by the school board of Wadsworth village and the school board of Wadsworth township, including all property controlled by the present school boards, including libraries, maps, apparatus or fixtures of any kind, and shall manage such schools as provided in law for governing special districts, and the board of

normal school managers and the village and township school districts as at present constructed shall be abolished.

SECTION 4. Whenever such election shall be held and a majority of the votes cast shall be in favor of such special school district, and the school board elected as provided in this act, the township trustees shall convey to such school board all the rights and titles of the township in the property known as the normal school property, to be owned and controlled by such board the same as any other school property.

SECTION 5. It is herein provided that nothing in this act shall prevent nor release the township trustees from carrying out the provisions for paying such normal school bonds, with the interest thereon, as may remain unpaid, as provided for the issuing and paying such bonds in an act passed April 14, 1884 (Session laws, vol. 81, page 369).

SECTION 6. Should the question of establishing a special school district fail to receive a majority of votes cast, the township trustees may again submit the question to a vote of the electors as before provided at any regular election after one year.

SECTION 7. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 23, 1898.

197L

[House Bill No. 403.]

AN ACT

To allow the county commissioners of Stark county, Ohio, to build a foot bridge and purchase small tracts of land to place the same thereon.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Stark county, Ohio, be and are hereby authorized and empowered to build a foot bridge not to exceed six feet in width over and across the Ohio canal and Tuscarawas river, and to be located in the southern part of the city of Massillon, a portion of which will be in Perry township outside of said city. And that the said county commissioners be further authorized and empowered to purchase small tracts of land for the purpose of locating thereon and connecting the two bridges, thereby connecting two public roads already established. Provided, however, that the entire cost of both land and bridges with all necessary approaches complete, ready for use, shall not exceed the sum of \$2,000.

SECTION 2. For the payment of said bridges and land there shall be no additional levy, but the cost of same to be paid out of the regular county bridge fund.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 23, 1898.

198L

[House Bill No. 602.]

AN ACT

To provide for a board of directors for the Millville special school district of Hocking county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the Millville special school district of Hocking county, Ohio, shall consist of three members who shall be residents of the district, and have the qualifications of an elector therein.

SECTION 2. That the said directors shall be elected as provided under the general law for the following periods: One for one year, one for two years, and one for three years, and that the period of said office shall be three years.

SECTION 3. This act shall be in force from and after its passage.

HARRY C. MASON,

Speaker of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed April 23, 1898,

199L

[House Bill No. 656.]

AN ACT

To authorize the county commissioners of Hocking county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of the county of Hocking and state of Ohio, be and are hereby authorized to transfer six thousand dollars from the bridge fund of said county, to the county fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,

Speaker of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Passed April 23, 1898.

200L

[House Bill No. 289.]

AN ACT

To provide for the issue of building permits in every city of the first class, third grade, in which the erection and construction of buildings are regulated by ordinance and an inspector of buildings has been elected, and to regulate the fees to be charged therefor.

[TOLEDO.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That when any person or persons, partnership or corporation shall be desirous of erecting, repairing, changing or altering any building or structure within the limits of any city of the first class, third grade, which has adopted an ordinance regulating the erection and construction of

buildings within the limits thereof and has elected an inspector of buildings, he, or they, shall make application at the office of the inspector of buildings for a certificate for that purpose, and shall furnish said inspector with a written statement of the location, with a pertinent description of the land or number of lot, name of owner and street and intended use of the proposed building or structure, the estimated cost, together with the plans and specifications of the same, which shall be delivered to said inspector and remain in his custody a sufficient length of time to allow the necessary examination to be made thereof, which shall, in no case, exceed fourteen days after the receipt of the same, and if it shall appear to the said inspector that the laws and ordinances of said city have been complied with he shall give the certificate asked for. The said inspector may, however, issue permits for repairs, alterations or additions without requiring plans or specifications therefor. The applicant shall present the certificate to the city clerk, who shall issue a permit in accordance therewith upon the payment of the following prescribed sums: The sum of two dollars shall be charged for the permits when the cost of the construction, alteration or addition to such building or structure does not exceed one thousand dollars, and when the cost thereof shall exceed one thousand dollars, an additional sum of two dollars shall be charged for each and every thousand dollars or fraction thereof, if exceeding five hundred dollars. The cost of any single permit shall not exceed one thousand dollars.

SECTION 2. Blank forms for a detailed statement, as herein required, shall be furnished by the said inspector at his office, and the applicant or applicants shall fill out, and the owner or owners, his or their agents, shall sign the agreement contained in said statement that he or they will in all respects construct the work in compliance with the laws and ordinances of said city, and it shall not be lawful to proceed to construct, alter or repair any building or structure within the limits of said city without such permit. Every permit shall be subject to revocation should the inspector become convinced that the work done under said permit is proceeding in violation of law. Revocation of a permit shall be in writing, and shall be served on the owner, superintendent or contractors in charge of the work, or posted on the property, and from and after such revocation of the permit, all parties doing any work or furnishing any material in or about such structure, buildings or premises, shall be guilty of a misdemeanor within the terms of this act and be subject to fine or imprisonment as herein provided for.

SECTION 3. Any person, partnership or corporation, either as owner, contractor, or architect, or any agent, trustee, director, officer or employe or any person, firm or corporation who violates or authorizes a violation of any provision of this act, shall be guilty of a misdemeanor and be subject to a fine not exceeding the sum of one thousand dollars, or imprisonment not exceeding three months, or both, in the discretion of the court or judge imposing the same.

SECTION 4. This act shall take effect on its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 23, 1898.

201L

[House Bill No. 699.]

AN ACT

To authorize the board of city affairs or such other boards as may have the powers heretofore vested in the board of administration in cities of the first grade of the first class to construct viaducts within the corporation limits thereof.

[CINCINNATI.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in cities of the first grade of the first class, the board of city affairs, or such other board as may have the powers heretofore vested in the board of administration in addition to the powers already possessed by it, with reference to streets, bridges and other public improvements, shall have the power to construct within the limits of such corporation, viaducts and elevated roads and footways over, along and across streets, alleys, highways, railroads, creeks and other public or private property for the purpose of providing against overflow from high water and the dangers of grade crossings of steam railways.

SECTION 2. Said board of city affairs, or such other board as may have the powers heretofore vested in the board of administration, shall declare by resolution the necessity of such improvement or improvements, and give notice thereof as required of council in section 2304, Revised Statutes; the term "property abutting" therein to include property abutting upon any street used, crossed or covered by such improvement; and said board shall carry out and be governed by the provisions of said section 2304, and any duty therein required to be done or performed by council or any other board, shall devolve upon and be performed by the said board of city affairs or such other board as may have the powers heretofore vested in the board of administration. Said board shall have full and final authority in any such improvement, without the necessity of the concurrence of council or any other board, to make such changes in the grade of any streets, avenues, alleys and highways used, crossed or covered by such contemplated improvement, and to change, alter, widen, vacate, construct any streets, avenues, alleys and highways in the line of or adjacent to such contemplated improvement as it may deem advisable to best conform the same to such contemplated improvement, and such changes shall be shown in the plans and profiles provided in said section 2304.

SECTION 3. The owner of a lot or tract of land bounding or abutting upon any such improvement, or upon any street used, crossed or covered, in whole or in part, thereby claiming damages by reason of such improvement, or compensation for any property taken for such improvement, shall file his claim for damages and compensation as provided in section 2315, Revised Statutes, or shall be deemed to have waived the same, and be barred as therein provided from filing his claim or from receiving damages and from claiming or receiving compensation for any property so taken; and all other questions pertaining to such claims for damages and compensation, and inquiry as to the amount thereof, shall be governed by the provisions of law now applicable to claims for damages, as provided in title 12, division 7, chapter 4, subdivision 2, Revised Statutes, except that in all cases concerning the class of improvements herein provided for the board of city affairs, or

such other board as may have the powers heretofore vested in the board of administration, shall take the place and authority therein of council; and provided, that all awards for damages and compensation upon such inquiry shall be paid or secured to be paid as provided in sections 2247 and 2248, Revised Statutes; and provided further, that the amount of damages and compensation, as aforesaid, and costs awarded in such cases shall be paid out of the fund herein provided. No damages or compensation shall be awarded to the municipal corporation for the appropriation by it of any streets, highways, alleys, bridges or other property belonging to said municipality that may be necessary for the construction, operation or use of the improvement herein contemplated.

SECTION 4. Said board of city affairs, or such other board as may have the powers heretofore vested in the board of administration shall have the power to purchase or appropriate, condemn and enter upon for the purpose of constructing such viaducts and any approaches thereto, and for the purpose of widening or altering the line of any street, avenue, alley or highway used, crossed or covered by such viaduct and its approaches, and for any other purposes in connection therewith, any real estate, easement, franchise, right or other property within the corporate limits of any city of the first grade of the first class, which said board of city affairs or such other board as may have the powers heretofore vested in the board of administration shall deem necessary for such uses and purposes; and when said board shall determine upon any such appropriation, a resolution to that effect shall be passed by the said board of city affairs or such other board as may have the powers heretofore vested in the board of administration, and entered upon its minutes, declaring the intention to appropriate such property, and the necessity therefor, with a pertinent description of the property to be appropriated, which resolution shall be certified to the corporation counsel of such city, whose duty it shall then be to apply, in writing, in the name of such city, to the court of common pleas of the county, or a judge thereof in vacation, or to the probate court of the county, for the impaneling of a jury to assess the compensation to be allowed the owners of the property appropriated in the manner provided in chapter 3, title 12, division 7, of the Revised Statutes, for appropriating private property to the use of municipal corporations, and all proceedings hereunder, except as herein otherwise provided, shall be governed by the provisions of said chapter 3, title 12, division 7; provided, that if such proceedings are commenced in the probate court of said county, neither party shall have the right to appeal, but either party may institute proceedings in error, as provided by law. And the amount of purchase price of any property purchased, or compensation adjudged to any owner or owners, together with the costs and expenses of such proceedings, shall be paid out of the fund herein provided.

SECTION 5. Such viaducts or elevated road and footways shall be so constructed as to secure an elevation and head room over any steam or street-railroad crossed or covered, in whole or in part, by such improvement, of at least nineteen (19) feet, except the approaches thereto, which shall be constructed in such manner as said board shall determine to be best calculated to secure accessibility to such viaduct, and to promote public convenience and safety in the use thereof. Said board shall have the power, for the purpose of constructing such viaduct and the approaches thereto, to require the tracks of any street-railroad using any

such street to be changed, altered or relaid, to conform to changes or alterations in the line of any such street hereinbefore authorized, at the expense of the owner of such railroad or railroads. If such owner of any street-railroad fail to comply with the requirements as to changing, altering and relaying the tracks thereof, said board shall have power to do said work, and recover the expense thereof from such owner in an action in the name of the city. Said changes or alterations may be shown in the plans and profiles provided for by section 2 hereof, and notice thereof shall be served upon the owner of such street railroad in the same manner and with like purposes and like effect as is provided in section 2 and section 3 hereof, as to the owners of abutting property.

SECTION 6. In making such improvements the board of city affairs or such other board as may have the powers heretofore vested in the board of administration, shall be governed by the provisions of section 2303 of the Revised Statutes, except that the said board of city affairs or such other board as may have the powers heretofore vested in the board of administration, shall have and exercise all the powers and perform all the duties of council, in the prosecution of said work. Said board shall, as to all the improvements, acts, and things hereinbefore authorized, also have the powers conferred upon the council of municipal corporations by section 2263 Revised Statutes, and other provisions of law relating to streets, bridges and other public highways in municipal corporations; it being the intent and meaning hereof that in all improvements provided for by this act, and in the exercise of any and all powers hereby granted, it shall not be necessary to have the action or concurrence of council, or of any other board or officer in any such proceedings; and that said board shall possess, in addition to the powers hereby specifically granted, the powers already possessed by council or other municipal body or officer, as to streets, bridges and other public highways, to further effectuate and carry out the purposes of this act.

SECTION 7. In order to provide a fund for the construction of any viaduct or elevated road and footway, under the provisions hereof, and for carrying out the several provisions of this act, the said board of city affairs, or such other board as may have the powers heretofore vested in the board of administration, shall be authorized to issue the bonds of such city to an amount not to exceed in the aggregate two hundred and fifty thousand dollars in the name of said city, and under the corporate seal thereof, for the purpose of such contemplated improvement. Said bonds shall be made payable in not less than thirty years from the date of their issue, and shall bear interest at a rate not exceeding three and one-half per cent. per annum; said bonds shall be signed by the mayor, the president of said board, and attested by the city auditor, and shall be secured by the pledge of the faith of the city, and a tax which it shall be the duty of the council of said city annually to levy upon all taxable property of such city, in addition to the taxes now authorized by law, and certify the same to the county auditor upon a certificate to that effect from the said board of city affairs, or such other board as may have the powers heretofore vested in the board of administration, as to the amount necessary to pay the interest thereon, and to provide a sinking fund for the final redemption of said bonds.

SECTION 8. Said board of city affairs, or such other board as may have the powers heretofore vested in the board of administration, shall

receive bids for said bonds after advertising the same for sale once per week for thirty days on the same day of the week in some newspaper of general circulation in said city, and shall sell the same for not less than the par value thereof, with accrued interest, to the highest bidder. The money arising from the sale of said bonds shall be placed in a fund called "the viaduct fund." A careful account of the condition of said fund shall be separately kept by the auditor of said city.

SECTION 9. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.
202L

Passed April 23, 1898.

[Senate Bill No. 493.]

AN ACT

Supplementary to an act relating to cities of the first class having a population exceeding one hundred and fifty thousand inhabitants, passed May 4, 1869 (66 O. L., 30 [80]).

[CINCINNATI.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of trustees of any railway appointed under the provisions of the act to which this act is supplementary, be and they are hereby authorized, with the approval of the trustees of the sinking fund of said city, to agree with the lessees of any such railway to modify the terms and extend the time of grant in any lease thereof for such length of time and upon such terms and conditions as shall be fixed and provided by said board of trustees; provided, however, that no modification or extension of said lease shall be made until the question of making such extension or modification shall be submitted to a vote of the qualified electors of said city at a general election held in said city after the making of the agreement aforesaid. The mayor of said city shall, upon notice given him of the making of the agreement aforesaid, give at least twenty (20) days' notice of the time of holding such election to the qualified electors of said city. The vote shall be taken at the usual time and place of holding elections in each precinct and ward of said city, and in the usual manner of holding state and municipal elections; and the ballots for such elections shall have printed thereon the words: "Shall the lease of the ——— be extended and modified? Yes. No." (Inserting in said blank space the name of said line of railway). And no such extension or modification shall be binding or take effect unless a majority of all the votes cast upon the question at said election shall be cast in favor thereof. The returns of said election shall be made to the board of elections of said city, which shall canvass the same and report the result to the mayor thereof, and if a majority of the electors voting upon the question at such election shall have voted in favor of such extension and modification, the said board of trustees are hereby authorized to so extend and modify said lease and to execute all necessary paper writings therefor.

SECTION 2. It shall be lawful for the board of trustees appointed under the act to which this is supplementary, and they are hereby authorized to borrow as a fund for terminal facilities and permanent betterments for said line of railway, in addition to the sums heretofore authorized, a sum not to exceed two million five hundred thousand dollars, and to issue bonds therefor in the name and under the corporate seal of the city owning the line of railway; said bonds shall be signed and attested in the same manner as the bonds authorized by the act to which this is supplementary, and shall be secured by a pledge of the faith of the city and a tax in addition to all other taxes for municipal purposes, which shall be annually levied by the council or board of legislation of said city on the real and personal property returned on the grand levy sufficient to pay the interest and provide a sinking fund for their final redemption, and they shall be payable, both as to principal and interest in any lawful money of the United States, at such times and places and in such sums as shall be deemed best by said board; provided, that none of the bonds authorized by this act shall bear a greater interest than four per cent. per annum, nor be sold for less than par, and, provided further, that no more than five hundred thousand dollars shall be borrowed or bonds issued therefor in any one year.

SECTION 3. The trustees of said railway are hereby authorized and empowered to agree with any lessee of said line of railway that they will exercise the powers granted them in section 2 of this act, on condition that the said lessee company will enter into a supplemental agreement with said trustees by which said lessee company will obligate itself as and by way of additional rental for said line of railway, to pay said trustees such sum annually as will equal the interest charge upon said bonds and provide a sinking fund for their redemption at maturity.

SECTION 4. Upon making the agreement provided for in the preceding section, it shall be submitted to the trustees of the sinking fund of said city for their approval. If the said trustees of the sinking fund approve said agreement, or if they fail so to do within ten days thereof, notice thereof shall be given by the trustees of the railway to the mayor of the city. Said notice shall contain a copy of the agreement aforesaid, and of the approval, or the fact of the failure to approve. The mayor of said city shall thereupon submit the question of the issuance of the bonds provided for in section 2 of this act, to a vote of the qualified electors of said city at a general election held in said city. The mayor shall give at least twenty days' notice of the time of holding such election, and said notice shall contain a copy of the agreement provided for in section 3 of this act, and the approval aforesaid of the trustees of the sinking fund or the fact of their failure to approve. The vote shall be taken at the usual place of holding such elections in each precinct and ward of said city, and in the usual manner of holding state and municipal elections, and the ballots for such election shall have printed thereon the words: "Shall bonds for terminal facilities and permanent betterments for the _____ be issued? Yes. No." (Inserting in said blank space the name of said line of railway). And no bonds shall be issued under this act unless a majority of all the votes cast upon the question at said election shall be cast in favor thereof. The returns of said election shall be made to the board of elections of said city, which shall canvass the same and report the result to the mayor thereof, who shall transmit same to the trustees of said railway.

SECTION 5. The said trustees shall expend the said fund in providing terminal facilities for said railway, and in making permanent betterments upon the line thereof, and they shall have the same powers in the expenditure thereof as they had with reference to the fund expended under the provisions of the act to which this is supplementary.

SECTION 6. The trustees of any such railway shall have the power, and they are hereby authorized, in case the same shall become necessary, in order to protect the interests of such city under any lease and mortgage which may have been made under and by virtue of the act of March 18, 1881, entitled "An act supplementary to the act relating to cities of the first class, having a population exceeding one hundred and fifty thousand inhabitants," passed May 4, 1869 (78 O. L., page 58), at any sale of the lessee company's property in any judicial proceeding to bid for and acquire such property, and the said bid shall be applied as a credit upon any debt of said lessee company found to be due and owing such city on account of such lease and mortgage. And in case it shall become necessary to incur expense in carrying out the provisions of this section, the said trustees are hereby authorized and empowered to borrow such sum as may be necessary for said purpose, and to issue bonds therefor, payable both as to principal and interest in lawful money of the United States at such times and places and in such sums as shall be deemed best by the trustees of such railway. Said bonds shall be signed and attested in the same manner as the bonds authorized by the act to which this is supplementary. Said bonds shall bear a rate of interest not to exceed four per cent. per annum, and be secured by a pledge of the faith of the city, and a tax in addition to all other taxes for municipal purposes, which shall be annually levied by the council or board of legislation of said city sufficient to pay the interest and provide a sinking fund for their final redemption.

SECTION 7. In case the said trustees acquire said lessee company's property by purchase, as provided in the preceding section, or by forfeiture, they shall have power, with the approval of the trustees of the sinking fund, to license the right to use and operate the said line of railway until a lease shall be made thereof, and they shall, as soon as practicable, lease the line of railway to such person or company as shall organize or may be organized under the provisions of section 3838 of the Revised Statutes of Ohio as will conform to the terms and conditions to be fixed in a form of lease by said trustees, which form shall be subject to the approval of the trustees of the sinking fund of such city; provided, that before making such lease said trustees shall invite propositions for same in accordance with the form aforesaid by advertisements for such length of time and in such newspapers as shall be prescribed by the trustees of said railway and the trustees of the sinking fund of such city; provided, further, that no award of a lease shall be made nor shall possession be delivered thereunder until approved by the said trustees of the sinking fund. And provided further, that no lease of said railway shall be made until the question of making such lease be submitted to the vote of the qualified electors of said city at a general election held in said city after an award as aforesaid. The mayor of said city shall, upon notice given him of an award of lease as aforesaid, give at least twenty days' notice of the time of holding such election to the qualified electors of said city. The vote shall be taken at the usual place of holding elections in each precinct and ward of said city, and in the

usual manner of holding state and municipal elections, and the ballots for such election shall have printed thereon the words: "Shall the _____ be leased? Yes. No." (Inserting in said blank space the name of the said line of railway). And no such lease shall be binding or take effect unless a majority of all the votes cast upon the question at said election shall be cast in favor thereof. The returns of said election shall be made to the board of elections of said city, which shall canvass the same and report the result to the mayor thereof; and if a majority of the electors voting upon the question at such election shall have voted in favor of said lease, the said boards of trustees are hereby authorized to execute the same upon the terms and conditions fixed in the form thereof hereinbefore provided.

SECTION 8. That the acts of March 18, 1881 (78 O. L., 58), March 12, 1887 (84 O. L., 82), and section 1 of the act of March 8, 1889 (86 O. L., 67), each of said acts being entitled "An act supplementary to an act relating to cities of the first class having a population exceeding one hundred and fifty thousand inhabitants, passed May 4, 1869," be and they are hereby repealed.

SECTION 9. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
 ASAHEL W. JONES,
President of the Senate.
 203L

Passed April 23, 1898.

[House Bill No. 278.]

AN ACT

To amend section 4 of an act entitled "An act to establish a board of water and light trustees in villages in counties containing a city of the second class, third grade [b.] being applicable to villages of said county, Ohio."

[OXFORD, BUTLER COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* [That] within twenty days after the appointment and qualification of the original board appointed pursuant hereto, said members shall meet and effect an organization of said board by the selection of a president and the election of a secretary for said board; said president shall preside at the meetings of said board and perform such other duties as may be prescribed by the board. The secretary of said board shall keep the records of said board and have charge of the office of said board, receive all moneys due the board and pay the same over to the treasurer of the village, taking his receipt for the same, and shall perform such other duties as may be required of him by the board. The secretary, who may or may not be a member of the board, shall be elected annually by the board for the period of one year, and shall receive a salary to be fixed by the board, and shall give a bond in the sum of one thousand dollars conditioned for the faithful performance of his duties, and for the faithful accounting of all moneys that may come into his hands as such secretary; said bond to be approved by said board and to be filed with the village clerk.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.
204L

Passed April 26, 1898.

[Senate Bill No. 235.]

AN ACT

To amend an act to authorize the county commissioners of Montgomery county to build a bridge across the Great Miami river, to issue the necessary bonds and levy a tax therefor, passed April 27, 1896.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the act to authorize the county commissioners of Montgomery county to build a bridge across the Great Miami river to issue the necessary bonds and levy a tax therefor, passed April 27, 1896 (O. L., 92, page 658), be amended so as to read as follows:

Sec. 1. That the county commissioners of Montgomery county, Ohio, be and they are hereby authorized to construct a bridge across the Great Miami river on the turnpike leading from Dayton to Vandalia and Troy, at the point where the Miami and Montgomery turnpike crosses said river, and to construct the necessary approaches thereto.

Sec. 2. For the purpose of providing the funds necessary for building such bridge and the approaches thereto, the county commissioners are hereby authorized and empowered to issue the bonds of said county, not to exceed sixteen thousand (\$16,000) dollars, in sums not less than one hundred, nor more than one thousand dollars each, and said bonds shall be payable at such times as said commissioners may deem most advantageous, not exceeding seven years from the date of their issue, and said commissioners are authorized to negotiate and sell said bonds at not less than their par value, but the interest on said bonds shall not exceed six per centum per annum, and the proceeds of sale of said bonds shall not be applied to any other purpose than the payment of the cost and expense of the work and improvement hereinbefore provided, and to pay the interest on said bonds as the same shall accrue.

Sec. 3. Said bonds shall be signed by the commissioners and countersigned by the auditor of said Montgomery county, Ohio, who shall keep a record of all bonds issued under and by virtue of this act.

Sec. 4. For the purpose of paying the interest and principal of said bonds, said commissioners are hereby authorized and empowered, in addition to the other levies authorized by law, to levy a tax on all taxable property in said county, sufficient in amount to pay said interest and principal, and such tax shall be levied and collected in the same manner as other taxes are levied and collected.

SECTION 2. Said original act is hereby repealed, and this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.
205L

Passed April 26, 1898.

[Senate Bill No. 233.]

AN ACT

To create and perpetuate a board of trustees of the firemen's pension fund; to provide for distribution of such fund, for the pensioning of disabled firemen and the widows and minor children and dependent mothers or fathers of deceased firemen in cities of the second class, third grade *a*.

[SPRINGFIELD.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the persons who, from time to time, compose the board of police and fire commissioners, or such other board or committee of the city council of any city of the second class, third grade *a*, having control or management of the fire department of such city, and three other persons, members of the fire department therein, elected as hereinafter provided, shall constitute and be the trustees for the distribution of the firemen's pension fund now existing or hereafter provided, and shall be called "the board of trustees of the firemen's pension fund."

SECTION 2. The three persons to be elected as such trustees shall, together with three other persons, also members of the said fire department, be nominated for such office of trustee in a convention to be composed of one delegate from each engine, chemical engine, hook and ladder or hose company, fire alarm telegraph company and the general office belonging to the fire department of any such city and called by the chief of such fire department or three members of such fire department, and convened at least two weeks prior to the election of such three trustees. That such election shall be held in the respective houses or headquarters of such engine, chemical engine, hook and ladder or hose company, telegraph department or general offices, and be by ballot, cast by the members of the said fire department between the hours of nine o'clock in the forenoon and six o'clock in the afternoon on the third Tuesday in January, in each and every year hereafter, except the first election, which shall be held within thirty days after, and by virtue of the passage of this act. That every such member shall be entitled to cast only one ballot. That no ballot shall contain the names of more than three persons, and the persons receiving the highest number of votes shall be declared elected as such trustees, and hold their office until their successors are duly elected. That the captain or officer in command of any such company, on the day of and immediately after holding such election, shall canvass, count and certify in writing the number of ballots cast and the vote received by each candidate for the office of the trustee. After signing such certificate said officer or captain in command shall at once address and deliver, or mail the same to the city clerk of such city, that the mayor, city clerk and chief of the fire department shall

together, within three days after the receipt of such certificates by said secretary, open the same, and ascertain and determine the total number of votes so cast at said election for the different persons for the office of trustee as returned by said captain or officer in command, and under the respective hands of such mayor and city clerk, issue certificates of their election to the three persons elected as such trustees. In case of a tie vote being received by any two persons for the office of said trustee, such tie vote shall be decided by casting lots or in any other way which may be agreed upon by and between the persons for whom such tie vote was cast. No election shall be set aside for want of formality in balloting by such members, or certifying or remitting the returns of any such election by said captain or officer in charge.

SECTION 3. Said board shall be organized by the election of a president, vice-president, secretary and treasurer. The secretary shall keep a full record of the proceedings of said board of trustees, and of all action taken by it in regard to the said pension fund, and shall annually make a report to the city council of such city, giving in detail a statement of the transactions of the board for the current year ending December 31, in each year. Said report to be made to the council on or before the second Monday in January of each year. Said treasurer shall safely keep all bonds, securities or other property belonging to said board of trustees, and shall annually, at the time above specified, make a report to said council of the amount and condition of same. He shall give bond, conditioned according to law, in such amount as said board of trustees may direct, and with sureties to the approval of said board of trustees; and said offices of secretary and treasurer may be held by the same person.

SECTION 4. That the county treasurers of counties containing a city or cities of the second class, third grade *a*, shall semi-annually at the time of their semi-annual settlement with the auditors of their respective counties, pay over to the treasurer of such cities, on the warrant of the county auditor, one-half of the taxes paid into the treasury of such county, by insurance companies incorporated by the authority of any other state or government, and doing business in any such city, on the gross receipts of every such insurance company under and by virtue of the provisions of section 2745 of the Revised Statutes, during the half year preceding such semi-annual settlement, and the money so paid over to such city treasurer shall, together with the amount heretofore so paid, constitute a pension fund for the purposes and objects hereinafter set forth.

SECTION 5. In case any such insurance company shall fail to make return to the office of the auditor of the county in which the office or agency of such insurance company may be kept, in the month of May, annually, the amount of the gross receipts of such agency for entry upon the tax list of the proper county, the auditor shall forthwith give notice of such failure to the superintendent of insurance, and said superintendent shall, upon the receipt of such notice from said auditor, forthwith revoke and recall the license and authority to such insurance company to do or transact business within the state. And no renewal of authority shall be granted to such insurance company for three years after such revocation, and it shall be prohibited from transacting any business in this state until again duly licensed and authorized so to do, and the said return

shall have been duly made. In each and every case of the failure of the said auditors to give such notice to said superintendent of insurance, such auditor shall forfeit and pay to said city, for the use and benefit of said pension fund, the sum of one hundred dollars, such forfeiture to be recovered of said auditor by an action at law therefor, brought against him by any person, in the name of any such city, and before any court of competent jurisdiction.

SECTION 6. That it shall be the duty of said auditor to make out and deliver to the said board of trustees annually, on the first of July, in each and every year hereafter, a correct statement of the name and agent's name of every such insurance company so doing business in said city, together with the amount of the gross receipts of every such insurance company as returned by said agent or company to said auditor for the year previous to such first day of July. In case of failure of said auditor to so make out and deliver to said board of trustees any such annual statement at the time named in each and every year hereafter, such auditor shall forfeit and pay to said board of trustees for the use and benefit of the said pension fund, the sum of twenty-five dollars. Such forfeiture to be sued for and recovered of such auditor in an action at law brought against him by any person, in the name of any such city, and before any court of competent jurisdiction.

SECTION 7. That it shall be the duty of the auditor of the said county to make out and deliver to the said board of trustees, semi-annually, each and every year hereafter, a statement showing the amount of taxes paid into the treasury of such county by such insurance companies for the year, or part thereof, prior to the making and delivery of such semi-annual statement of said auditor to such board of trustees, and in case of the failure of said auditor to so make out and deliver such semi-annual statement to said board of trustees, as herein provided, in each and every year hereafter, such auditor shall forfeit and pay to said board of trustees, for the use and benefit of said pension fund, the sum of twenty-five dollars. Such forfeiture to be sued for and recovered against him in an action therefor, brought by any person, in the name of such city, before any court of competent jurisdiction.

SECTION 8. All fines imposed upon members of the fire department in any such cities by way of discipline or punishment, together with all rewards in money, fees, gifts and emoluments that may be paid or given especially to said pension fund on account of extraordinary services by said fire department, or any member thereof (except when allowed to be retained by such member, or given to endow a medal, or other permanent or competitive reward) shall be paid to and received by the said city treasurer, and applied by him to the said pension fund, and the said board of trustees may take by gift, grant, devise or bequest any money, real estate or personal property, right of property or other valuable thing, the annual income of which shall not exceed fifty thousand dollars in the whole, and such money, real estate or personal property, right of property or other valuable thing so obtained, shall in like manner be paid to and applied by such city treasurer to the said pension fund, and also to the use of such fund by deposit, investment or profit as herein-after provided, or as such board of trustees shall direct; provided, that the sum of one hundred thousand dollars, which may be received and accumulated under the provisions of this act, shall be, when so received

and accumulated, retained as a permanent fund, the annual income of which may alone be made available for the uses and purposes of said pension fund.

SECTION 9. That the treasurer of every such city shall execute a bond with sufficient sureties to such city for the faithful performance of his duties as the custodian of such pension fund, in like manner as his present official bond as such treasurer is drawn, executed and filed, and in such penal sum as the said board of trustees shall direct.

SECTION 10. That the said board of trustees shall have power to draw such pension fund from the treasury of such city and invest the said fund in the name of the board of trustees of the firemen's pension fund in interest bearing bonds of the United States, the state of Ohio, or any county in this state or of said cities, or of any township, incorporated village, or other municipal corporation in the state of Ohio, where the power to issue bonds is derived from either general or special legislative authority. All of which bonds or other property of said board of trustees shall be placed in the care of the treasurer of said board of trustees for safe-keeping. The said board of trustees shall make report to the common council of the condition of said pension fund on the second day of January of each and every year.

SECTION 11. If any member of the fire department of any such city shall, while in the performance of his duty become, or be found upon an examination of a medical officer ordered by said board or committee having control of the fire department to be physically or mentally permanently disabled and such disability shall have been caused in or induced by the actual performance of the duties of his position as such member so as to render necessary his retirement from all services in said fire department, such board or committee shall have power to retire such permanently disabled member from all service in said fire department, and upon such retirement said board of trustees shall authorize the payment to such permanently disabled member, monthly from the said pension fund, upon the order of the city clerk, of the sum of not less than twenty-five dollars nor more than forty dollars. If any member of the said fire department shall, while in the performance of his duty, be killed, or die from the effects of an injury received, or of any disease thus contracted, or while retired, die from such cause, and such member so killed or dying from said injuries or disease, shall leave a widow, or minor child or children under sixteen years of age, or a mother who depended upon him for support, said board of trustees shall authorize and direct the payment from the said pension fund of the following sums monthly, to wit: To such widow, while unmarried, twenty dollars; to the guardian of such minor child or children, six dollars for each of said children until each child shall respectively arrive at the age of sixteen years, and twenty dollars to such dependent mother, until she remarries; and in case that there is no dependent mother, but a father who is dependent upon such member for support, said dependent father shall be paid the same sum monthly provided herein to be paid to a dependent mother; provided, however, that if at any time there should not be sufficient money for [or] bonds to the credit of the said pension fund to pay to each person entitled to the benefit thereof, the full amount per month as hereinbefore stated, then and in that event, an equal percentage of said monthly payments shall be made to each beneficiary thereof, until

said fund is so replenished as to warrant payment in full to each of said beneficiaries.

SECTION 12. In case of partial permanent disability of any member of said fire department, caused in or induced by the actual performance of the duties of his position as such member, the chief of such fire department, upon an examination of such partially permanently disabled member by the medical officer ordered by the said board of trustees, shall have power to relieve such partially permanently disabled member from actual service at fires, and the said board of trustees, upon such member being so relieved, shall authorize the payment to such partially permanently disabled member monthly from the said pension fund, of a sum not less than twenty dollars nor more than thirty dollars, or in proportion to the number of beneficiaries of said fund (as the condition of said pension fund) may warrant. The member so partially permanently disabled and relieved from active service at fires shall remain a member of said fire department, subject to the rules governing the same, and may be ordered by the said chief of said fire department to the performance of such light duties as the medical officer ordered by said board of trustees may certify him qualified to perform, and the board of police and fire commissioners, or such other board or committee of the city council having control or management of the fire department of any such city, in the manner provided by law, may out of the general fund of the said fire department, fix and pay such additional compensation for the performance of said light duties, as the circumstances and merit of each case may warrant. Such pension and additional compensation so paid to such partially and also to such permanently disabled member mentioned in this and the preceding section of this act, shall be in lieu of any salary received by such member at the date of his being so relieved from active service at fires, and said city shall not be liable for the payment of any other claim or demand for services hereafter rendered by such partially or permanently disabled member.

SECTION 13. Any person who has served in the fire department of any such city for twenty-five years, and who has attained the age of fifty-five years or over, and who is then a regular employee in said fire department may at the option of a majority of the members of the said board of trustees of the firemen's pension fund, be entitled to receive and may be so paid by said board of trustees, monthly, from the said pension fund, not to exceed twenty-five dollars, or in proportion to the number of beneficiaries of said fund, as the condition of said pension fund will warrant; provided, however, that no member of said board of trustees having any interest, either directly or indirectly, in such claim, shall be entitled to a vote thereon; and, provided further, that said board of trustees may, for good cause at any time, suspend the payment of any of the claims or amounts provided for in this act.

SECTION 14. That no portion of said pension fund shall, either before or after its order of distribution by the said board of trustees to such disabled member of said fire department, or [to] the widow or guardian of the minor child or children, or to the dependent mother or father of the deceased or retired member of said department, be held, seized, taken, subjugated to, detained or levied on by virtue of any attachment, execution, injunction, writ, interlocutory, or other order or decree, or

any process or proceeding whatever, issued out of or by any court in this state, for the payment or satisfaction, in whole or in part, or any debt, damages, claim, demand, judgment, fine or amercement of such member, or his said widow, or the guardian of the minor child or children, or of the dependent mother or father of any deceased member; but the said fund shall be sacredly kept, held, secured, promoted and distributed for the purpose of pensioning the persons named in this act, and for no other purpose whatever.

SECTION 15. That all acts, or parts of acts, inconsistent with this act, be and the same are hereby repealed.

SECTION 16. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.
206L

Passed April 25, 1898.

[House Bill No. 111.]

AN ACT

To provide for the disposition of the net earnings and revenue and the proceeds of the sale of any railroad built under the provisions of an act entitled "An act relating to cities of the first class having a population exceeding one hundred and fifty thousand inhabitants," passed May 4, 1869 (Ohio Laws, vol. 66, page 80), and the acts amendatory and supplementary thereto.

[CINCINNATI.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever, in any city of the first class a railroad has been built, or may hereafter be built, under the provisions of an act entitled "An act relating to cities of the first class having a population exceeding one hundred and fifty thousand inhabitants," passed May 4, 1869 (Ohio Laws, vol. 66, page 80), and the acts amendatory and supplementary thereto, all net earnings and incomes therefrom shall be paid into the treasury of said city to the credit of the interest fund; and in the case of the sale or final disposition of said railroad, the purchase money or price shall be paid into the treasury of said city to the credit of the sinking fund, and shall be applied to the reduction of the bonded debt of said city until the same shall be extinguished, due regard being had to the priority right of any issue or issues of bonds to the proceeds of such sale.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.
207L

Passed April 25, 1898.

[Senate Bill No. 85.]

AN ACT

To provide a board of park commissioners in cities of the first grade of the first class, to provide for the acquisition and improvement of property for park purposes and for roadways connecting parks.

[CINCINNATI.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in cities of the first grade of the first class the power to acquire property for public park purposes, and for the extension of the public parks and the improvement of such acquisitions and extensions, shall be vested in a board of park commissioners, which shall consist of five persons appointed by the mayor of such city, at least ten days before the vote shall be had as provided for in section seven of this act. Each person so appointed shall be an elector of such city and shall give a bond to the satisfaction of the mayor and corporation counsel thereof in the sum of twenty-five thousand dollars for the faithful performance of his duties as such commissioner. Each of said commissioners shall be appointed for the term of five years, and at the expiration of the term of each his successor shall be appointed for a term of five years, or the sooner completion of the work authorized by this act. He shall serve without compensation and until his successor is appointed and qualified. The traveling and other necessary expenses of the commissioners shall be allowed and paid by the board. All vacancies in said board for unexpired terms shall be filled by said mayor. The mayor may remove any commissioner for cause upon notice and hearing.

SECTION 2. Said board shall annually choose one of its members chairman, and may from time to time appoint a secretary, and employ such other persons as it deems necessary to carry out the purposes of this act; it may determine the duties and compensation of such appointees, remove the same at pleasure, and make all reasonable rules and regulations. Said board shall have a suitable office, which shall be at the city hall, if there be one, where its maps, plans, documents, records and accounts shall be kept, subject to public inspection. The board shall cause a complete record of all its proceedings to be kept, and transcripts of any part thereof certified by the secretary shall be competent evidence in all courts. On or before the first day of January in each year said board shall make a report of its proceedings to the mayor, together with a full statement of its receipts and disbursements.

SECTION 3. The jurisdiction and powers of said board shall be exclusive and shall extend to and may be exercised throughout the county within which the city wherein the board shall be appointed is situated.

SECTION 4. Said board of park commissioners shall also have the power to receive, manage and control, in the name of such city, any and all gifts, donations and devises of land or other property suitable to the carrying out of the purposes of this act, upon such terms and conditions as may be agreed upon between the donors thereof and said board.

SECTION 5. Said board is further authorized to acquire by purchase or by condemnation proceedings, on behalf of such city, all real and personal property necessary to carry out the purposes of this act, whether said real property be within or without the limits of such city. And

wherever it shall be deemed necessary in the opinion of said board to appropriate land, it is hereby authorized to commence and conduct, in the name of such city, proceedings therefor, under and according to chapter three, division seven, title twelve of the Revised Statutes of Ohio and the acts amendatory and supplementary thereto, and no concurrent action of any board or officer shall be necessary, and all the powers with respect to such proceedings that are now vested in any other board or officer shall be vested also in and may be exercised by said board of park commissioners.

SECTION 6. To provide a fund with which to pay the cost and expense of so acquiring real property by purchase or condemnation and of constructing and improving park entrances and roadways connecting public parks, and of acquiring and constructing public play grounds, public baths and gymnasiums, and of planting trees upon the streets of such city; the said board of park commissioners is hereby authorized to borrow, at such times and in such amounts as said board may determine, in behalf of such city, an amount not to exceed two million dollars, in the aggregate, and to issue bonds therefor in the name of such city under its corporate seal. Such bonds shall be designated "park improvement bonds," shall be signed by the president of said board and by the mayor of such city and attested by the auditor of such city, or other auditing officer, if there be no auditor, they shall bear such interest, not exceeding four per cent. per annum, and be payable at such times and places, and in such amounts as said commissioners may determine. Said bonds shall be sold as provided by law, and be secured by the pledge of the faith of such city and by a tax which it shall be the duty of the board of legislation or council of such city to levy annually upon all the taxable property of such city and to certify the same to the county auditor of the county in which such city is situated upon a certificate from the trustees of the sinking fund of such city as to the amount necessary to pay the interest upon said bonds and to provide a sinking fund for the final redemption thereof. Said taxes shall be in addition to the amount authorized by law to be levied for municipal purposes. Provided, however, that no bonds shall be issued by said board until the assent of the electors of such city shall have been first obtained in the manner provided for in section seven of this act.

SECTION 7. The board of elections of such city shall at the next regular election to be held in such city, whether for county or municipal purposes, print separate ballots for the use of electors, upon each of which ballot shall be printed the words: "Park improvements and issue of two million dollars of bonds — Yes." "Park improvements and issue of two million dollars of bonds — No." And the electors shall express their assent to said issue of bonds in the sum and for the purposes above set out by placing a X opposite the word "yes," and their dissent thereto by placing a X opposite the word "no," or by otherwise clearly indicating on said ballot their will in the premises. If a majority of the votes cast upon the measure shall be in the affirmative, the power in said board of park commissioners to borrow said amount of money and to issue said bonds, as above provided for, shall be complete.

SECTION 8. The money arising from the sale of said bonds shall be placed in a fund to be called the "park improvement fund," and a careful account of said fund shall be kept by the auditor of such city. Said

fund shall be applied exclusively to the acquisition of land by purchase or condemnation for park purposes, the extension and improvement of parks and the construction of park entrances, park driveways and roadways connecting parks, and of planting trees upon the streets of such city, and no payment shall be made out of said fund except upon a resolution duly adopted by said board specially appropriating the same and upon vouchers properly approved by said board.

SECTION 9. No member of said board of park commissioners and no person employed by it, shall have power to create any debt, obligation, claim or liability for or on account of said board or of such city, except upon the express authority of said board conferred at a meeting thereof duly convened and held.

SECTION 10. All contracts entered into by said board of park commissioners shall be in the name of such city and be signed by the president and secretary of said board and by the contractor. In making contracts said board shall be governed by the provisions of an act entitled "An act to regulate the award of contracts and for other purposes in cities of the first grade of the first class," passed March 21, 1887 (84 O. L., 233).

SECTION 11. No member or employe of said board shall have any pecuniary interest in any contract entered into or expenditure made by said board.

SECTION 12. No steam or street-railroad shall be operated or laid out, through, or over any park, driveway or road connecting parks under the control of said board of park commissioners, without the consent of said board. But the proper authorities of such city, or of the county in which such city is situated, may grant the right to steam or street-railroad companies to cross said park driveways and roadways with their tracks, but said crossing shall not be on grade if in the judgment of the board in control of said driveway or railway [roadway] said crossing can be otherwise made.

SECTION 13. All lands and interests in lands, and all improvements acquired and made by virtue hereof, shall be under the control of said board, so long as it deems the same respectively to be incomplete, but when each is in its judgment completed, such completed portion shall be turned over to the board or officials having charge of the parks of such city, and when the amount of the authorized loan has been expended under the directions of the board created hereunder, said improvements shall be regarded as completed.

SECTION 14. No part of the "park improvement fund" authorized by this act shall be expended in any of the present parks, if there be any in said cities, except for constructing public play grounds, public baths and gymnasiums, and then only by and with [the] consent of the board or officials having charge of such parks.

SECTION 15. All acts and parts of acts which are inconsistent with any of the provisions of this act, shall be treated as inapplicable thereto, and this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 26, 1898.

208L

[House Bill No. 443.]

AN ACT

To authorize the trustees of Jackson township, Wyandot county, Ohio, to pay Wm. B. Haner four hundred and eighty-three dollars and thirty-seven cents (\$483.37), to reimburse him for loss sustained by him while treasurer of said township, by reason of the defalcation of A. H. Flickinger, county treasurer.

WHEREAS, By the defalcation of A. H. Flickinger, county treasurer of Wyandot county, state of Ohio, William B. Haner, township treasurer of Jackson township, Wyandot county, Ohio, sustained a loss of four hundred and eighty-three dollars and thirty-seven cents (\$483.37); and,

WHEREAS, The said loss was not the result of negligence or carelessness on the part of the said William B. Haner; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Jackson township, Wyandot county, state of Ohio, be and are hereby authorized to draw their warrant on the township treasurer of Jackson township, Wyandot county, state of Ohio, for the sum of four hundred and eighty-three dollars and thirty-seven cents (\$483.37), the said sum to be in full payment of the loss sustained by reason of said defalcation. Provided, that at a special election to be called by the trustees or at the next general election after the passage of this act it shall be submitted to a vote of the qualified electors of Jackson township, Wyandot county, Ohio, at which election there shall be written or printed on the ballots: "For the relief of William B. Haner." "Against the relief of William B. Haner." If a majority of the votes cast at such election shall be in favor of the relief of said William B. Haner, then this act shall be in full force and effect.

SECTION 2. This act shall take effect from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
209L

Passed April 25, 1898.

[House Bill No. 471.]

AN ACT

For the relief of H. R. Gore, ex-treasurer of Bratten township, Adams county, Ohio.

WHEREAS, H. R. Gore was at the April election A. D. 1892, duly elected township treasurer of the township of Bratten, Adams county, Ohio; and,

WHEREAS, As such treasurer, he in good faith deposited certain funds of said township in the Citizen's National bank of Hillsboro, Highland county, Ohio, which was recognized to be a safe and reliable bank; and,

WHEREAS, Said Citizen's National bank did on the ninth (9) day of June, A. D. 1893, fail and suspend payment; and,

WHEREAS, The receiver of said bank has paid upon the amount of said township funds so deposited in said bank, and being at the time of

its failure, the sum of three hundred and seventy-five dollars and fifty-five cents (\$375.55), a dividend of 60 per cent., to wit: The sum of two hundred and twenty-five dollars and thirty-three cents (225.33); and,

WHEREAS, Said receiver will be able to pay only a small portion of said balance of one hundred and fifty dollars and twenty-two cents (\$150.22), leaving the balance uncollectable, for which said H. R. Gore has settled in full with the township trustees of said Bratten township; and,

WHEREAS, A large number of resident tax-payers, to wit, 90 per cent., have petitioned this general assembly for the relief of said H. R. Gore, by authorizing the township trustees of Bratten township, Adams county, Ohio, to refund to said H. R. Gore the sum so paid by him on account of the failure of said Citizen's National bank of Hillsboro, Ohio; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of Bratten township, Adams county, Ohio, be and they are hereby authorized and empowered by suitable resolution and act to refund to said H. R. Gore the said sum of one hundred and fifty dollars and twenty-two cents (\$150.22).

SECTION 2. And any and all dividends hereafter paid by the said receiver of the Citizen's National bank shall be paid to the treasurer of Bratten township as funds of said township.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAH W. JONES,
President of the Senate.
210L

Passed April 25, 1898.

[House Bill No. 479.]

AN ACT

[A bill] to regulate and control primary elections in cities of the first grade of the first class and in any county containing such city.

[CINCINNATI AND HAMILTON COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That primary or nominating elections, in cities of the first grade of the first class, and in any county containing such city, for nominating county or township or municipal officers, or judicial officers chosen by the voters of such city or county, or members of the general assembly or representatives in congress, or members of central, controlling or executive committees of political parties shall be held according to the provisions of this act, and persons not nominated in accordance therewith, shall not be considered candidates of either of the political parties herein specially designated, and their names shall not be printed upon the official ballot under such party symbol or name.

SECTION 2. Such elections held to nominate candidates to be voted for on the first Tuesday after the first Monday in November each year,

shall be held on the first Tuesday after the second Monday in September; and when held to nominate candidates to be voted for on the first Monday in April they shall be held on the first Monday in March. At all such elections the polls shall be open at six o'clock in the morning and closed at two o'clock in the afternoon; except that in townships and villages in such aforementioned county, the board of elections may direct the polls at primary elections held in March, to be closed at an earlier hour, not however before ten (10) o'clock. The board of elections for such county shall have all the powers and perform all the duties set forth in the laws governing general and municipal elections in this state, including printing and distributing ballots, providing voting shelves, protecting electors, guarding the secrecy of the ballot, and making rules and regulations not inconsistent with law, for the guidance of election officers; and all provisions of the laws of the state, so far as applicable, shall be enforced in the primary elections herein designated.

SECTION 3. The two political parties for whose candidates the largest number of votes were cast for officers of the state, at the last preceding general election, shall make nominations for officers and members of the general assembly and representatives in congress and committeemen as provided in this act; and any other political party or organization may hold an election for the same purposes at the same time and places, with the approval of the board of elections, but such other parties shall give notice in writing filed in the office of the board of elections not less than thirty days before the day herein fixed for holding such primary election. On each day herein designated for holding primary election, a full board of election officers shall be assigned to duty at each polling place, except as herein otherwise permitted, and such election officers shall jointly conduct the election as to all parties. Each party participating in the election shall have a separate ballot-box, which shall be distinctly indicated by the party name either in lettering on the box or by a card thereon, or both, so that each voter may witness the deposit of his ballot. The directions for printing and distributing ballots in general elections shall be observed, except that the ballots for each party shall be separate, the names of candidates shall be printed alphabetically in groups under the proper designation, and the ballots shall be made readily distinguishable, either by being printed on paper of different colors, or by printing the party name across the back, or by both. Nominations for places on these official ballots shall be made by petitions at least ten (10) days before the day herein designated for holding a primary election. A candidate to be voted for only in one election precinct shall file a petition with the board of elections signed by electors of such precinct, in number not less than one-tenth of the voters of his party in such precinct, as shown by the last preceding general election, taking the highest number of votes cast and counted for any candidate of his party. If to be voted for throughout a ward or township, the petition in behalf of such candidate shall be signed by not less than five per centum of the votes as above, and if a candidate throughout the city or county as heretofore described, the petition shall be signed by not less than three hundred electors, and if a candidate for representative in congress the petition shall be signed by three hundred electors of his said district. Such signatures shall be made in ink, by each signer for himself, and each signer shall also give his place of residence by definite description.

SECTION 4. At such elections only legally qualified electors, or such as will be legally qualified electors at the next general or municipal election, may vote, and all electors shall vote only in the election precinct where they reside; and no person shall be considered a member of any political party for the purpose of voting as such at a primary election unless he has before openly affiliated with such party. In election precincts where registration of electors is required, the registers for the last election shall be in use as required at general elections, and no one shall vote unless he be a registered elector in the precinct in which he resides on the day of the primary election. Except that any elector who, by reason of non-age, alienage or removal of residence, may not be registered in the election precinct where he resides, may nevertheless be permitted to vote by observing the following requirements: If he be not registered by reason of non-age, alienage or removal of residence from a precinct wherein registration is not required, he shall make a statement in writing under oath, setting forth all the particulars required in registration of electors, together with the reason for not being a registered elector, which affidavit shall be returned to the office of the board of elections to be kept for one year. If he is already registered elsewhere as an elector he shall secure and present a certificate of removal as required by section 2026k of the Revised Statutes, and for such purpose registrars are authorized to issue removal certificates upon the day of primary elections. In all the foregoing cases, upon complying with the foregoing requirements, the name of the applicant shall at once be entered upon the registers, with all the particulars, and upon his voting it shall be checked off. And such registration shall be valid for all purposes, as if made upon days for general registration. When the executive, central or controlling committee of either political party, as herein provided, shall give notice to the board of elections that such party desires to elect delegates to a nominating convention, then the elections as herein provided as to such party shall be for the purpose of choosing delegates to such nominating convention, and the delegates so chosen shall meet in convention at such time and place as the said committee may designate by public notice not less than ten days before the election; but such convention shall not convene earlier than the third day after the election at which delegates to such convention were chosen. Provided such notice of a purpose to elect such delegates shall be filed in the office of the board of elections, not less than seventy-five days before the day herein fixed for holding the primary election in September and not less than sixty days before the day for holding the primary election in March; and such notice may only be authorized by the vote of a majority of the members elected to such committee, who shall each sign his name to the notice. In considering such notices the board of elections shall disregard all proxies, and consider only the autograph signatures of elected members chosen at the last preceding primary election. When such notice has not been given in time, manner and form as required above, then the electors shall vote direct for candidates to be voted for at the next ensuing election, and the candidate having the highest number of votes for each office shall be the nominee of such party for such office, and his name shall be so printed on the official ballot. In case the election has been held to choose candidates, or in case any person is voted for in more than one election precinct, the board of elections shall canvass the vote and declare the result, and in case of a tie vote the candidates having the highest and equal votes,

shall, in presence of the board of elections, determine the result by lot. If they fail to do so, the board shall decide the matter in the same manner. In case of a vacancy or vacancies in the list of nominations occurring by death or otherwise, after such result has been declared, said vacancy or vacancies shall be filled by the properly constituted county, central, controlling or executive committee of the party holding the primary, unless the office to be filled is a municipal one, in which case said vacancy or vacancies shall be filled by the properly constituted city, executive, central or controlling committee of such party and the name or names of the candidates selected by such committee shall be reported to the board of elections of said county and such board shall cause the said name or names to be placed on the official ballot to be voted at the ensuing election. At the close of the polls the judges shall at once canvass the vote and make return as required by law in other elections. If the election has been held to choose committeemen chosen by election precincts, the judges shall, over the signatures of the chairman and clerks, issue certificates of election to the persons so chosen, and make returns of their action to the board of elections. When candidates have been voted for in more than one election precinct, the board of elections shall canvass the vote and declare the result.

SECTION 5. When no petition has been filed for placing names on the official ballot in behalf of a political party, then no election as to such party shall be held, and when names in behalf of only one of the two leading political parties have been so presented, the board of elections may, in their own discretion, assign but two judges and one clerk to conduct the election.

SECTION 6. For their services at such elections judges and clerks, serving in precincts within a city herein described, shall receive each three dollars for each election, and those serving in precincts in the county but not included in such city, shall receive not less than two dollars nor more than three dollars for each election, to be fixed by the board of elections according to the number of hours served.

SECTION 7. 1. All provisions and requirements of the laws of this state to preserve and protect the purity of elections, and all the penalties for violation of such laws shall apply and shall be enforced as to all elections held under this act.

2. Whoever with intent to defraud or deceive writes or signs the name of another person to any document, petition or book, required by law in general, special or primary elections, shall be guilty of forgery, and shall be imprisoned in the penitentiary not less than one year nor more than three years.

3. Whoever attempts to vote at any election knowing that he is not a qualified elector, or to vote under an assumed or false name, shall be fined not less than twenty-five dollars nor more than one hundred dollars, or imprisoned in the county jail not less than three months nor more than six months, or both.

4. Whoever personates another for the purpose of voting, or attempts to vote by claiming or assuming the name or place of any registered elector, shall be imprisoned in the penitentiary not less than two years nor more than five years.

SECTION 8. All previous acts conflicting with this act are hereby repealed, and this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate
211L

Passed April 25, 1898.

[House Bill No. 483.]

AN ACT

To amend section 29 of an act entitled "An act to provide a license on trades, business, and professions carried on in cities of the first grade of the first class; and providing for the enforcement and collection of fines and penalties for carrying on business without license, and for other purposes," passed April 16, 1883 (O. L., vol. 80, page 129), as amended February 21, 1893 (O. L., vol. 90, page 253), and April 27, 1896 (O. L., vol. 92, page 724).

[CINCINNATI.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 29 of an act entitled "An act to provide a license on trades, business, and professions carried on in cities of the first grade of the first class, and providing for the enforcement and collection of fines and penalties for carrying on business without license, and for other purposes," passed April 16, 1883 (O. L., vol. 80, page 129), as amended February 21, 1893 (O. L., vol. 90, page 253), and April 27, 1896 (O. L., vol. 92, page 724), be amended to read as follows:

Sec. 29. All persons, firms or corporations using any vehicles on the streets of the city shall pay annual license fees upon all such vehicles as follows:

For each sulky, three (3) dollars.

For each cab or hack, five (5) dollars.

For each buggy or private carriage, three (3) dollars.

For each hotel coach or carriage, seven (7) dollars.

For each furniture car, ten (10) dollars.

For each two-horse omnibus, seven (7) dollars.

For each four-horse omnibus, ten (10) dollars.

For each six-horse omnibus, fifteen (15) dollars.

For each cart drawn by one horse, three (3) dollars.

For each cart drawn by two horses, ten (10) dollars.

For each wagon (with springs) drawn by one horse, two (2) dollars.

For each wagon (with springs) drawn by two horses, seven (7) dollars.

For each wagon (with springs) drawn by three horses, ten (10) dollars.

For each wagon (with springs) drawn by four horses, fourteen (14) dollars.

For each wagon (with springs) drawn by six horses, eighteen (18) dollars.

For each wagon, dray, truck or drag (without springs) drawn by one horse, three (3) dollars.

For each wagon, dray, truck or drag (without springs) drawn by two horses, ten (10) dollars.

For each wagon, dray, truck or drag (without springs) drawn by three horses, twelve (12) dollars.

For each wagon, dray, truck or drag (without springs) drawn by four horses, fifteen (15) dollars.

For each wagon, dray, truck or drag (without springs) drawn by six or more horses, twenty (20) dollars.

Provided, that none of the provisions of this act shall be held to apply to farmers marketing the products of their farm; nor shall farmers be liable for vehicles or any license whatever for marketing, selling, hawking, or peddling the products of their farms, or for hauling any produce into or from said city to the country, in cities of the first grade of the first class, nor shall the provisions of this act be held to apply to gardeners, fruit-growers or florists; and provided further, that the city auditor shall have authority (on the surrender and cancellation of any license issued under the provisions of this section 29) to rebate and refund a pro rata amount of the cost of such license for the unexpired term for which said license has been issued; and provided further, that the city auditor shall have authority to issue license for the unexpired fraction of any year upon receiving satisfactory evidence that the vehicle sought to be licensed has not been in use at any time during the current year prior to the time of making application for such license. Dairymen living without said city shall pay license fees upon their vehicles used upon the streets of said city as follows:

For each one-horse wagon, three (3) dollars.

For each two-horse wagon, five (5) dollars.

For each three or four-horse wagon, ten (10) dollars.

SECTION 2. Said original section 29 (as amended) is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after January 1, 1899.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHIEL W. JONES,
President of the Senate.
212L

Passed April 25, 1898.

[House Bill No. 486.]

AN ACT

To authorize cities of the first grade of the first class to issue bonds to pay for property appropriated to open, extend, widen or straighten streets.

[CINCINNATI.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in cities of the first grade of the first class, the board of administration shall have the power to issue bonds in the name of such city and under the corporate seal thereof, in a sum not to exceed eleven thousand (\$11,000) dollars to provide a special fund to pay the costs and expenses of property appropriated to public use for the opening, extending, widening or straightening of any street or streets or highway, or any part thereof, in any such city. Said bonds shall be made payable not less than ten years nor more than twenty years from the date of their issue,

bear interest not exceeding four per centum per annum, be signed by the president of such board of administration and by the mayor of said city, and be attested by the city auditor of such city, and be secured by the pledge of the faith of such city, and by a tax which it shall be the duty of the board of legislation of such city to levy upon all the taxable property of such city, and to certify the same to the county auditor of the county in which such city is situated, upon a certificate from such board of administration as to the amount necessary to pay the interest thereon, and to provide a sinking fund for the final redemption of said bonds. Said taxes shall be in addition to the amount authorized by law to be levied for municipal purposes.

SECTION 2. Said board of administration shall offer said bonds for sale to the sinking fund trustees of said city, and if said sinking fund trustees decline to accept the same, said board of administration shall then advertise said bonds for sale once a week for four consecutive weeks in a newspaper of general circulation in said city, and sell the same for not less than the par value thereof and accrued interest to the highest bidder. The money arising from the sale of said bonds shall be placed in a fund to be called the "special condemnation fund," and a careful account of said fund shall be kept by the city auditor.

SECTION 3. Said fund shall be used only for the purpose of paying the costs and expenses for property heretofore or hereafter condemned and appropriated to public use for the opening, extending, widening or straightening of any street or streets, or highway or highways, or any part thereof which may be located in such city, the condemnation and appropriation of which shall have received the recommendation of the board of administration of such city and an ordinance therefor been passed by the council or board of legislation of such city; and the said fund shall only be paid out upon a resolution or resolutions passed by the board of administration of such city especially appropriating the same, and upon vouchers properly approved by said board of administration.

SECTION 4. This act shall take effect and be in force on and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
213L

Passed April 25, 1898.

[Senate Bill No. 313.]

AN ACT

To authorize the commissioners of Ottawa county, Ohio, to build a court-house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Ottawa county, Ohio, be and they are hereby authorized to build a court-house at the county seat of said county, upon the present court-house site, at a cost not to exceed fifty thousand dollars, including ten thousand dollars now in the treasury of said county realized from the sale of bonds by the county commissioners of said county recently sold for the purpose of repairing the present court-house.

SECTION 2. To carry out the provisions of this act, said commissioners are hereby authorized, by taxation upon the property in said county subject to taxation, to raise the amount of money necessary for that purpose, not exceeding the sum above named. And in anticipation of the collection of such taxes said commissioners shall have power to issue the bonds of said county with interest coupons attached thereto, interest payable semi-annually, in sums of not less than five hundred dollars, principal and interest payable at the office of the treasurer of said county, or at such other place as may be designated in the bonds; said bonds to be due and payable at such times as such commissioners may in their discretion deem for the best interest of said county; provided, that none of said bonds shall be due and payable at a longer period of than twenty years from their date; and, provided further, that the aggregate of the principal of said bonds, to be issued under this act, shall not exceed the sum of forty thousand dollars; said bonds to bear a rate of interest not exceeding five per centum per annum, and to be sold for not less than their par value.

SECTION 3. Said bonds shall be issued and signed by said commissioners and countersigned by the county auditor, who shall keep and preserve a record of the bonds so issued, and said bonds shall be numbered consecutively and be made negotiable.

SECTION 4. Said commissioners shall, annually hereafter, at their June session, levy such an amount of taxes upon the tax duplicate of the county as shall be necessary to pay the accruing interest upon said bonds, and such part of the principal thereof as falls due each year until said indebtedness is fully discharged. Said commissioners are hereby authorized and empowered to purchase any of said bonds at an earlier period than their maturity, provided a surplus fund may be on hand applicable to that purpose.

SECTION 5. There shall be appointed by the judges of the circuit court of said county four competent freeholders thereof, not more than two of whom shall be members of the same political party, to be known as the "building committee," who shall hold their office for two years or until said court-house is completed, unless the court shall sooner remove them. They are hereby authorized to act and vote with said commissioners in procuring, making and approving plans, estimates and specifications for said court-house, in awarding contracts for labor and materials used in building the same, and in determining all questions in connection therewith until it shall be completed according to contracts and accepted by a majority of said commissioners and said committee; and said judges are authorized to fill any vacancy arising in said committee from any cause, should they deem it necessary and advisable so to do.

SECTION 6. Said committee shall receive the same compensation for their services as is now allowed by law to county commissioners for similar services, which shall be paid out of the county treasury on warrant of the county auditor.

SECTION 7. Said commissioners and committee may, in their discretion, advertise for proposals for the entire work at a single job or separate portions thereof, to the lowest responsible bidder, and receive and accept bids therefor.

SECTION 8. Before any proceedings shall be had or commenced under the prior sections of this act, said county commissioners shall submit the question as to the policy of the building of such court-house to the voters of said county, as provided by section 2825 of the Revised Statutes, and such proposition shall have received a majority of those voting thereon at an election as provided in said section 2825.

SECTION 9. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 26, 1898.

214L

[Senate Bill No. 338.]

AN ACT

To limit compensation of county officers in Holmes county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in Holmes county the compensation of the county officers hereafter elected in said county shall be by annual salary exclusively, except as otherwise provided in this section, to be paid in monthly installments as follows: Probate judge, one thousand dollars; auditor, fifteen hundred dollars; treasurer, twelve hundred dollars; clerk of courts, one thousand dollars; sheriff, twelve hundred dollars; recorder, seven hundred dollars; prosecuting attorney, seven hundred dollars, which amounts shall include all clerk or deputy hire for said officials. The commissioners shall each receive six hundred dollars, which shall be in lieu of all per diem, mileage and expenses now received by the commissioners. And no county officer shall receive, nor agree to receive, directly or indirectly, any additional compensation from any source whatever, for the performance or omission of any official duty, except that the probate judge shall be entitled to receive the fee now allowed by law for issuing a marriage license and filing and recording the certificate of marriage; and the auditor shall be entitled to receive the fees authorized by law for transfers of real estate; and the commissioners may receive their traveling expenses when on duty outside of the county. Nor shall either of said officers receive a reward of any kind from any employe in his office, or other person, in consideration of the appointment of any such employe, nor any portion of the compensation of any of his employes, nor any money or thing by way of gift or otherwise, from any officer, agent or employe of the county or its commissioners, or from any other person; and no such employe shall pay, or agree to pay, directly or indirectly, to the officer by whom he is employed, any reward for his appointment, nor receive from any person any fee or compensation for his own use or for the use of such officer, for the performance or omission of any official duty.

SECTION 2. All fees, costs, percentages, penalties, allowances and other perquisites, which are now, or may hereafter be allowed by law for the performance of official duty by any officer mentioned in section one, shall, when collected, be for the sole use of the county, except as

otherwise provided in this act, and the total receipts thereof each day by each of said officers shall, except as otherwise provided in section seven, be paid by him to the county treasurer at the close of the business of the day, and be duly accounted for by the treasurer; and said officers shall keep full and accurate accounts in books to be provided for that purpose, showing all fees, costs, percentages, penalties, allowances and other perquisites that accrue to his office, and from whom the amounts paid to him each day, and by whom the amount paid to the county treasurer each day, and the amount due and unpaid, and also the name of each person or party liable for any part of such as are due and unpaid, and the amount due from each; provided, that such fees, costs, percentages, penalties, allowances and other perquisites in cases pending in court, shall not be deemed to be earned or to have accrued within the meaning of this act, until final judgment.

SECTION 3. Each officer mentioned in section one shall, on the first business day of each month, file with the county commissioners a statement, verified by his affidavit, showing the full receipts daily by him for the preceding month, and the total for the month from each of the sources specified in the preceding section, and also a statement, verified as aforesaid, showing the full amount of all fees, costs, percentages, allowances and other perquisites accrued to his office and not paid to him, and the name of each person or party liable for any part thereof, and the amount due from each; and each statement, after the first, of amounts due and unpaid, and what portion thereof has been paid during the month covered by the report. And on the day his term of office expires, he shall file with the commissioners like statements showing such receipts daily since his last statement, and such amounts due and unpaid up to that time.

SECTION 4. All statements required by the preceding sections, to be filed with the commissioners, shall be carefully preserved by them and shall be subject to public inspection during all official business hours; and the account books provided for by section four shall be subject to like inspection, and shall remain in the respective offices where kept, and at the expiration of the term of any officer mentioned in section one shall be turned over to his successor in office.

SECTION 5. Each officer mentioned in section one shall exercise due diligence in the collection of fees, costs, percentages, penalties, allowances and other perquisites accruing in his office, and shall, where authorized by law, collect the same before or at the time they are earned; but the county commissioners may, by order entered on their journal, and certified to the treasurer, authorize the treasurer to omit for thirty days, to enforce payment of penalties for the non-payment of taxes within the time limited by law; and the treasurer shall not be required to report to the commissioners in his statements required by section five the percentages allowed him by law on taxes collected, except in such statements next following the semi-annual settlements with the auditor.

SECTION 6. It shall be the duty of the county commissioners to see that the provisions of this act are faithfully complied with, and they may employ an expert accountant whenever and for such time they may deem necessary, and at such compensation as they deem judicious, to ascertain by examination whether the books and accounts of the officers mentioned in section one are legally and correctly kept, and whether the statements

they are required to make to the commissioners are correct; and such accountant shall report to the commissioners the result of such examination, which report they shall preserve in their office. If it appear by any such report that any such book or account, or any such statement is false or fraudulent in any respect, they shall make a thorough investigation of the matter, and may, if they deem it necessary or expedient, subpoena witnesses and examine them under oath, and they shall have the same power as justices of the peace to compel the attendance of witnesses. The costs of any such investigation shall be paid from the general fund of the county, on the warrant of the auditor, when duly certified to him by the county commissioners.

SECTION 7. Nothing in this act shall be construed to vest in any officer mentioned in section one such fees, costs, percentages, penalties, allowances or other perquisites as are unpaid at the end of their respective official terms, but the same shall be the property of the county, to be collected by their successors in office, and applied as provided in this act; but fees, costs, percentages, penalties, allowances and other perquisites that accrue to said officers prior to the taking effect of this act shall not be affected thereby.

SECTION 8. All money paid to the county treasurer in pursuance of this act shall be by him credited to the general fund of the county; and all warrants issued by the county auditor in pursuance thereof shall be drawn upon said fund.

SECTION 9. All accounts of costs and fees due to any of the officers named in section one of this act, which remain unpaid for the period of one year, shall, by such officer, be transferred to the prosecuting attorney of such county for collection, who shall on the first Monday in each month, pay over to the officer for whom the collection is made all moneys which may have come into his hands; such officer shall give the prosecuting attorney a receipt for the amount so paid over and enter a statement of such payment on the books of his office; and execution shall issue upon the precept of such prosecuting attorney to enforce the payment of all such accounts to him transferred for collection. For such services such prosecuting attorney shall receive ten per centum on all amounts so by him collected.

SECTION 10. If any officer mentioned in section one wilfully fail or refuse to perform faithfully and promptly any duty required of him by this act, or knowingly violates any provisions thereof, or wilfully makes any false or fraudulent showing in any statement thereby required of him, or in any account book provided for herein, he shall be fined in any sum not more than five thousand dollars, or be imprisoned in the penitentiary not less than one year nor more than five years, or both; and if any deputy, clerk or employe wilfully violate any provision of this act, he shall be fined not more than five hundred dollars or be imprisoned in the county jail not less than three months nor more than one year, or both. The aforesaid penalties against said officers shall be in addition to penalties provided by existing statutes; and the fines imposed by this section shall be paid into the county treasury, to the credit of the general fund of the county.

SECTION 11. The official bond required by law heretofore or hereafter taken from any of said officers shall be deemed to make the parties to the same liable for any violation on the part of the officer for whom

they are sureties, of any of the provisions of this act, and for the faithful performance of all the duties required hereby; but upon the taking effect of this act the county commissioners may, in their discretion, require from any or all of the officers mentioned in section one hereof, a new and additional official bond, with sufficient sureties to be conditioned that such officers shall discharge the duties of their respective offices according to law.

SECTION 12. Any provision of statute in force when this act takes effect, which conflicts with any provisions of this act, shall, to the extent that it is inconsistent with the latter, and not otherwise, be held to be superseded by this act as to the officers described herein; but other provisions of statute so in force relating to county officers and county affairs shall not be affected by this act.

SECTION 13. That at the next general election to be held in the state of Ohio, after the passage of this act, the officers whose duty it is to provide for the printing of the ballots shall cause to be printed on all ballots below the list of names of candidates for office, with a blank space on the left margin in which to give each elector a clear opportunity to designate his choice, the following: For the county salary law. Against the county salary law. Notice that said proposition is to be submitted shall be given by the sheriff by proclamation, for the same length of time and in like manner as in his proclamation of general elections required by law. The clerks of each election precinct shall write on separate rulings on the left hand margin of the tally-sheets below the names of the candidates: "For county salary law." "Against county salary law." And shall enter on the appropriate ruling the tallies of all votes cast for and against said proposition, and the aggregate number of votes for, and the aggregate number of votes against said proposition in each voting precinct, shall be forthwith certified by the precinct election officers to the proper board of deputy state supervisors of elections, or boards of elections, in like manner as the return of elections of county officers are certified, as required by law, who shall record the aggregate number of votes for and against said proposition. If upon such election a majority of the votes cast on said proposition shall be in favor of a salary law, this act shall take effect and be in force from and after the first day of January, 1899; but if a majority of the votes cast on said proposition be against a salary law, then this shall be void.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 26, 1898.

215L

[Senate Bill No. 349.]

AN ACT

To authorize cities of the second grade of the first class to enter upon and occupy the streets, avenues, alleys and public grounds of other — municipal corporations of other grades and classes situated in counties containing a city of the second grade of the first class, for main sewers and sewer outlets.

[CLEVELAND.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any city of the second grade of the first class be and it is hereby empowered to enter upon and occupy the streets, alleys, avenues and public grounds of any other — municipal corporation or corporations, of other grades or classes situated in a county containing such a city of the second grade of the first class, for the purpose of constructing, repairing and maintaining sewers for sewer outlets, or extensions to main or intercepting sewers, under the circumstances, and upon compliance with the terms and conditions, hereinafter recited.

SECTION 2. Whenever the council of such city of the second grade of the first class shall deem it necessary for the disposition of sewage and the protection of the public health of such city, to enter upon and occupy any of the streets, avenues, alleys and public grounds of any other — municipal corporation or corporations, of other grades or classes situated in the county containing such city of the second grade of the first class, for the purpose of constructing therein a sewer or sewers, for outlets or extensions to main or intercepting sewers, such council shall, on the recommendation of the board of control, determine and declare such necessity by ordinance; and such ordinance shall designate the municipal corporation or corporations, in or through which said outlets or extensions are to be constructed, and designate the streets, avenues, alleys or public grounds to be occupied by the same; and within thirty (30) days after the passage and legal publication of such ordinance is completed, the city clerk of such city of the second grade of the first class shall in addition to the publication now required by law, publish the same in a newspaper printed and of general circulation in the county containing such city of the second grade of the first class once a week for two consecutive weeks; and within twenty (20) days after the passage of such ordinance the mayor of such city of the second grade of the first class and the mayor or mayors, president or presidents of the board of trustees of such other municipal corporation or corporations, shall, each appoint three (3) commissioners to arrange the terms and conditions upon which such city of the second grade of the first class shall enter upon and occupy said streets, avenues, alleys or public grounds of such other municipal corporation or corporations.

SECTION 3. That it shall be the duty of such commissioners, within thirty (30) days after their appointment, to make a full and detailed report of the terms and conditions upon which such city of the second grade of the first class shall enter upon and occupy the streets, avenues, alleys and public grounds of such other municipal corporation or corporations, together with plans and profiles showing substantially the size and kind of such main or intercepting sewer which said city of the second grade of the first class proposes to construct; and it shall be the duty of such

commissioners within said time to file said report in the court of common pleas of the county containing such city of the second grade of the first class; and such court shall, upon ten (10) days' written notice being served upon the municipal corporation or corporations affected thereby, proceed to examine and approve the same as reported by such commissioners, or to correct and modify the same, if, in the opinion of said court, justice between the parties demands such modification; and when such report is finally approved by such court, the same shall constitute and govern the right of such city of the second grade of the first class to occupy the streets, avenues, alleys or public grounds of such other municipal corporations in the manner and for the purposes aforesaid; and such city's right to so occupy and use such streets, avenues, alleys or public grounds for the purposes herein specified, shall be deemed complete.

SECTION 4. Whenever any municipal corporation or corporations affected by such report shall complain, in writing, to said court, that the terms and conditions of said report are unfair in whole or in part, to its interests, the court in which such report is filed shall have the power to further modify the same, if in its judgment the terms and conditions are unfair to the municipal corporation or corporations complaining, but said court shall not have the right to set aside the same, and neither an appeal nor writ of error shall be allowed to set aside the final decree of said court; provided, that no modification or change of the decree of said court shall be made so as to interfere with any sewer already completed, or any contract executed pursuant to law for the construction of the same.

SECTION 5. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,

Speaker of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

216L

Passed April 26, 1898.

[Senate Bill No. 355.]

AN ACT

To authorize the commissioners of Washington county, Ohio, to improve certain public roads in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Washington county, Ohio, may annually, in addition to the levy authorized for road and bridge purposes by section 2824 of the Revised Statutes, levy on each dollar of valuation of taxable property within said county, five-tenths of a mill; and in addition thereto, on each dollar of valuation of taxable property within the townships outside of the cities and incorporated villages, which townships outside of the cities and incorporated villages are hereby made a taxing district for that purpose, one mill for the creation of a fund to be known as the state and county road improvement fund, and to be used for the improvement of state and county roads outside of such municipal corporations, but no part thereof shall be used for construction or repair of bridges. To

anticipate the receipts which may come into the county treasury by virtue of such tax, the commissioners may borrow from time to time, such sums of money as shall not exceed in the aggregate four-fifths of the tax levied; but the money so borrowed in any one year shall not exceed four-fifths of the taxes levied in such year, and shall be paid, with lawful interest, at the county treasury, out of the taxes so levied.

SECTION 2. The county commissioners of such county shall have power to improve any such state or county road, or any part thereof, by straightening or altering the same, and by grading, paving, graveling, planking or macadamizing the same, and shall use the funds hereinbefore created for that purpose.

SECTION 3. When the commissioners determine to make any such improvement, they shall employ a competent engineer to superintend the performance and completion of said work, who shall enter into a good and sufficient bond in a sum not less than one thousand dollars, to be approved by the county commissioners, conditioned for the faithful performance of his duties hereunder. The engineer shall make all necessary surveys, profiles, estimates and specifications, and submit the same to the commissioners of said county for their approval, and the same shall be filed and preserved in their office. He shall receive such compensation for his services as is fixed by law for the compensation of the county surveyor for like services in other cases.

SECTION 4. Upon the approval of said surveys, profiles, estimates and specifications, the commissioners of said county shall advertise for bids in some newspaper of general circulation in the county, and shall let the contract for making such improvement to the lowest and best bidder or bidders, who shall give such reasonable security for the proper performance of their contract within the time and in the manner prescribed therein, as the county commissioners may deem expedient.

SECTION 5. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,

Speaker of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

217L

Passed April 25, 1898.

[Senate Bill No. 389.]

AN ACT

For the relief of Joanna Strurm [Sturm] and children, widow and children of Joseph Strurm, [Sturm] deceased, killed by a member of the Ohio national guard while defending public property.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Hamilton county, Ohio, be and they are hereby authorized and empowered to pay out of the treasury of said county to Joanna Strurm, [Sturm] of Cincinnati, Ohio, for herself and children, as the widow and children of Joseph Strurm, [Sturm] deceased, a sum not exceeding thirty-five hundred dollars for their relief on account of the loss of life of said Joseph Strurm, [Sturm] a patrolman, defending public prop-

erty and killed by a musket ball on March 29, 1884, during the riot and at the burning of the court-house in Cincinnati, Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.
218L

Passed April 26, 1898.

[Senate Bill No. 409.]

AN ACT

To amend an act to create a joint sub-school district in Mechanic township, Holmes county, Ohio, and Clark township, Coshocton county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 1 and 2 of an act entitled "An act to create a joint sub-school district in Mechanic township, Holmes county, Ohio, and Clark township, Coshocton county, Ohio, passed April 18, 1892 (O. L., 89, 675), as amended February 13, 1894 (90 O. L., 473), be amended so as to read as follows:

Sec. 1. That the territory comprised in Mechanic township, Holmes county, and Clark township, Coshocton county, Ohio, bounded and described as follows, to wit: South half of sections nineteen (19) and twenty (20), also twenty-one (21), twenty-two (22), and military lots numbers nineteen (19), twenty (20), thirty-one (31), thirty-two (32), thirty-three (33) and thirty-four (34), in said Mechanic township, Holmes county, Ohio; also the following described territory situate in Clark township, Coshocton county, Ohio: Being the north part of the first quarter township in township seven, of range seven, commencing on the county line between Coshocton and Holmes counties, Ohio, at the northeast corner of said quarter township, which is also the northeast corner of Clark township, Coshocton county, Ohio, thence west on said county line to the northwest corner of John Graham's land to the county road leading from Broomfield to Spring Mountain; thence east and in a northeast direction along in the center of said road to the southwest corner of the lands owned by Nancy Henderson; thence east along the south line of said Henderson's land and a tract of about eleven acres of land owned by H. D. Osborne to the west line of lands owned by G. W. Lawrence; thence south along the west line of said Lawrence's lands to the southwest corner thereof; thence east along the south line of said Lawrence's land to the west line of the lands owned by George Craig; thence south along the west line of said Craig's land to the southwest corner thereof; thence east along part of the south line of said Craig's land and the lands of Jacob Miller lying in said Clark township to the township line between Clark and Mill Creek townships in said Coshocton county; thence north along the said township line to the place of beginning, be and the same is hereby created and declared to be and constitute a joint sub-school district.

Sec. 2. Such joint sub-school district shall be governed and controlled in all respects by such laws as now are or may hereafter be in force relating to joint sub-school districts, and shall be under the control of the board of education of the township in which the school-house may be situate.

SECTION 2. Said original sections 1 and 2 are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.
219L

Passed April 26, 1898.

[Senate Bill No. 411.]

AN ACT

Relating to market-houses in cities of the second grade of the first class.

[CLEVELAND.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in cities of the second grade of the first class there shall be a market-house commission consisting of three members, all of whom shall be appointed by the mayor of any such city and approved by the council and who shall serve for the period of five years, and until their successors are appointed and qualified.

SECTION 2. The members so appointed shall take and subscribe an oath of office to honestly and faithfully perform their duties; they shall serve without compensation, and shall give a bond in the sum of five thousand dollars to the approval of the mayor of any such city.

SECTION 3. Such commission shall have power to contract for the building of a new market-house and auditorium for any such city, and to acquire any additional lands that may be necessary for that purpose either by purchase or appropriation in the name of any such city in the manner now provided by law.

SECTION 4. The council of any such city may and is authorized and empowered for the purpose of this act to borrow money and issue the bonds of any such city in the name and under the corporate seal of any such city in a sum not exceeding three hundred and twenty-five thousand dollars, which bonds shall be made payable not more than thirty years, as the city council shall determine, from the date of their issue, and shall bear interest at a rate not exceeding five per cent. per annum, payable semi-annually, as such city council shall determine.

SECTION 5. Such bonds shall be signed by the president of such commission, the mayor of any such city, and attested by the city auditor. All rent obtained by such city from any market-house or houses in such cities, or any addition thereto, shall be placed in the sinking fund of such city until a sufficient amount has been received to fully pay the principal and interest of such bonds; and in case such rents shall not be sufficient to pay the interest and principal of such bonds as the same

may become due, any such city council shall, in addition to the other levies authorized by law, levy annually a sufficient tax therefor on the property subject to taxation in any such city, and such taxes shall be collected in the same manner as other taxes.

SECTION 6. Such bonds, except as otherwise herein provided, shall in all respects conform to the requirements of sections 2700 to 2711 of the Revised Statutes of Ohio.

SECTION 7. No member of such commission shall have power to create any debt or obligation, claim or liability, for or on account of such commission, except with the express authority of such commission, conferred at a meeting thereof, duly convened and held.

SECTION 8. Such commission shall keep a record of all its proceedings under the authority of this act, which shall be open at all reasonable times to the inspection of any resident of such city.

SECTION 9. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
220L

Passed April 26, 1898.

[Senate Bill No. 460.]

AN ACT

To amend sections 9 and 13 of an act entitled "An act to establish 'a court of insolvency' in counties containing a city of the first grade of the first class, and for the relief of the probate court in such counties," passed May 21, 1894.

[HAMILTON COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 9 and 13 of an act entitled "An act to establish 'a court of insolvency' in the counties containing a city of the first grade of the first class, and for the relief of the probate court in such counties," passed May 21, 1894, be amended so as to read as follows:

Sec. 9. The said court of insolvency shall have original and exclusive jurisdiction in all cases, matters and things relating to and arising under the laws now in force or hereafter enacted, regulating the mode of administering assignments in trust for the benefit of creditors; also in all cases for the appointment of receivers for insolvent corporations, and actions for the dissolution of insolvent corporations; also in all actions relating to injunctions in regard to the collection of taxes or assessments, or to recover back taxes which have been illegally paid, also in all actions in replevin brought against an assignee for the benefit of creditors, or for the recovery of assets assigned to an assignee for the benefit of creditors, also in all actions brought under sections 6352 and 6353 of the Revised Statutes of Ohio; to enforce claims which have been disallowed by the assignee for the benefit of creditors; and shall in every respect have the same jurisdiction, possess the same powers, and discharge the same duties, and incur the same penalties as are now or may hereafter be enforced or enjoined by the constitution and laws

of the state upon the judge of the probate court; and the judge of the probate court of the county wherein such court of insolvency is established, is hereby authorized to transfer to the court of insolvency any and all cases now pending in such probate court, arising under the act or acts now in force regulating the mode of administering assignments in trust for the benefit of creditors, the same to be there proceeded in as if the same had been originally commenced in said court, having regard for the former proceedings therein, and the costs before accrued in the final record as may be right and proper. And when the cause is transferred from the probate court as aforesaid, the clerk of the probate court shall enter such transfer on his docket, and from thenceforth the said cause shall not be considered in said court. And all laws now in force, or that may be hereafter enacted, regulating the mode and manner of proceeding in such cases by the probate court, or common pleas court shall be held and deemed to extend to the said court of insolvency, and the said court of insolvency shall have like jurisdiction and power in all of the above matters and actions as are now by law or may hereafter be by law conferred on probate courts or common pleas courts in like matters or actions.

Sec. 13. Appeals and error may be prosecuted from any judgment, order or decree rendered by the court of insolvency in any action or matter provided for in section 9 above stated to the circuit court of such county, and all laws now or hereafter enacted regulating the mode and manner of appeals and error from any judgment, order or decree rendered by the court of common pleas, shall be held and deemed to extend to said court of insolvency.

SECTION 2. That sections 9 and 13 of an act entitled "An act to establish a 'court of insolvency' in counties containing a city of the first grade of the first class, and for the relief of the probate court in such counties," passed May 21, 1894, be and the same are hereby repealed, and any provisions of the statutes of this state in force when this act takes effect, which conflicts with any provision of this act shall be held to be superseded by this act.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
221L

Passed April 25, 1898.

[Senate Bill No. 465.]

AN ACT

Empowering the trustees of Newark township, Licking county, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of Newark township, Licking county, Ohio, be and they are hereby empowered to transfer the sum of one thousand (\$1,000) dollars from the general fund, and the sum of one thousand (\$1,000) dollars from the road fund of said township to the memorial

fund of said township. That the said sum of two thousand (\$2,000) dollars so transferred to be returned to and paid back into the said general fund and road fund of said township, one thousand (\$1,000) dollars to each fund respectively, from the said memorial fund on the seventh day of September, A. D. 1898.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
222L

Passed April 25, 1898.

[Senate Bill No. 480.]

AN ACT

To amend section 15, vol. 90, local laws, passed April 20, 1893.

[AKRON AND YOUNGSTOWN.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 15, vol. 90, local laws, passed April 20, 1893, be amended so as to read as follows:

Sec. 15. The aggregate of all taxes levied or ordered by such city above the tax for county and state purposes, and excepting the tax for schools and school-house purposes, shall not exceed in any one year nine mills; provided, however, that the city commissioners of such cities shall annually at the time the rate of levy is fixed provide by resolution for the distribution of the tax among the several departments of the corporation in such proportion to their needs as may be deemed necessary, and at no time thereafter shall the amount specified as necessary for the purposes named be changed, and all transfer of funds from one account to another are hereby expressly prohibited; and provided further, that in any such city in which there is established and maintained a public library association not organized for profit, a public library free to all inhabitants of such city, the council may levy an annual tax in addition, if need be, to said above aggregate amount of taxes not exceeding four-tenths of a mill on all taxable property within such city, to be called the public library fund and collected as other taxes. Said taxes for library purposes shall be paid by the treasurer of such library association to be used in the purchase of books, pamphlets, magazines, newspapers, rent and for general library expenses, subject to such requirements as to accounting and reporting to council as the council may prescribe.

SECTION 2. That section 1545, paragraph 282, Bates' edition Revised Statutes, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
223L

Passed April 26, 1898.

[Senate Bill No. 486.]

AN ACT

Supplementary to an act relating to cities of the first class having a population exceeding one hundred and fifty thousand inhabitants, passed May 4, 1869 (66 O. L., page 30 [80]).

[CINCINNATI.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That all bonds of any city which may have been issued for the construction of a railway under the act to which this is supplementary, and which have been redeemed by purchase or exchange by the trustees of the sinking fund of any such city, shall be held and considered to have been fully paid by such redemption, and shall be deemed cancelled and destroyed, and thereafter no part of the income derived from said railway shall be applied to the payment of any interest on, or to the providing of a sinking fund for said canceled bonds, nor shall any levy for interest or sinking fund be made therefor.

SECTION 2. The trustees of the said railway are hereby authorized, by a proper endorsement or stamping on any of the outstanding bonds and the coupons thereof, issued under the act to which this is supplementary, to agree to extend the time of payment of said bonds for a period not to exceed forty years from the maturity thereof, upon the holders of such portions of said bonds as said trustees may agree with, agreeing to reduce the interest thereon to such rate as said trustees shall fix, not exceeding three and one-half per cent. per annum. And said trustees are hereby further authorized to cause to be engraved, printed and attached to such bonds such additional coupons as may be necessary to evidence the interest to be paid for the extended time of payment of said bonds. Any expense incurred by reason of the extension aforesaid shall be paid by the city treasurer upon the order of the board of trustees of said railway out of any income derived from said railway.

SECTION 3. That section 2 of the act of March 8, 1889 (86 O. L., 67), being an act entitled "An act supplementary to an act relating to cities of the first class having a population exceeding one hundred and fifty thousand inhabitants," passed May 4, 1869, be and the same is hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.
224L

Passed April 25, 1898.

[House Bill No. 711.]

AN ACT

To authorize the county commissioners of Cuyahoga county to repair county fair-grounds and buy land in Middleburgh township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Cuyahoga county be and they are hereby authorized and empowered to appropriate out of any funds not otherwise appropriated the sum of five thousand dollars for repairing the buildings and fences, and building new sheds and other necessary buildings, and to pay off any debt due for real estate or for acquiring other land that may be necessary for fair-ground purposes in said Middleburgh township, Cuyahoga county, Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

A. W. JONES,
President of the Senate.
225L

Passed April 26, 1898.

[House Bill No. 737.]

AN ACT

To authorize the trustees of the various townships in Champaign county, Ohio, to borrow money to repair roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of the various townships in Champaign county, Ohio, be and they are hereby authorized and empowered to borrow not exceeding five hundred dollars (\$500) for each township, for the purpose of reconstructing and repairing the roads of said townships destroyed or impaired by water or other causes. Said money to be paid on or before September 1, 1900, at a rate of interest not to exceed 6 per cent. per annum, payable semi-annually. Said loan shall be made in anticipation of the regular levy for said purposes in said townships for the years 1898 and 1899, to be paid from the proceeds of said levy when the same has been received by the treasurers of said townships.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.
226L

Passed April 25, 1898.

[House Bill No. 738.]

AN ACT

To authorize the trustees of Wayne township, Clermont county, Ohio, to transfer certain cemetery lots.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Wayne township, Clermont county, Ohio, be and are hereby authorized, empowered and required to transfer lots Nos. 278, 279, 286 and 287, situated in Fairview cemetery, Wayne township, Clermont county, to William Needham post No. 584, department of Ohio, grand army of the republic, for the purpose of erecting a soldiers' monument thereon.

SECTION 2. This act shall [take] effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
227L

Passed April 26, 1898.

[House Bill No. 610.]

AN ACT

To increase the salary of the township clerk in Canton township, Stark county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of Canton township, Stark county, Ohio, may allow the clerk thereof a compensation not to exceed two hundred dollars in any one year, to be paid out of the township treasury.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
228L

Passed April 25, 1898.

[House Bill No. 743.]

AN ACT

To amend sections 3, 4 and 5 of an act entitled "An act to prescribe the duties and powers of the board of county commissioners in counties containing a city of the second grade of the first class," passed February 9, 1893.

[CUYAHOGA COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 3, 4 and 5 of an act entitled "An act to prescribe the duties and powers of the board of county commissioners in counties containing

a city of the second grade of the first class," passed February 9, 1893, be amended so as to read as follows:

Sec. 3. The clerk appointed under the provisions of said original act shall hold his office until the first Monday of January, in the year 1899, after which he shall be appointed for two years; he shall hold his office during the term for which he was appointed, unless removed by death, resignation, incompetency or inefficiency; before entering upon the duties of his office he shall give a bond to the state with two or more sureties to the acceptance of the probate judge of the county, in the sum of two thousand dollars, conditioned for the faithful discharge of the duties of his office, which bond, with his oath of office endorsed thereon, shall be deposited with the treasurer of the county, who shall record and carefully preserve the same in his office. The clerk of the board shall be entitled to receive, after the first Monday of January, in the year 1899, a salary not to exceed eighteen hundred dollars per annum, to be determined by the board of county commissioners; he shall be provided with a seal of office, in the center of which shall be the name of the county, and around the margin the words "board of county commissioners." The board shall have power at any regular meeting to fill the vacancy of the clerk for the unexpired term. Transcripts, orders and certificates, when duly certified to by the president of the board and the clerk with the seal attached, shall be received as evidence in any court of the state, and for the same similar fees shall be paid to the clerk as are allowed to county officials for like services, and all sums thus received shall be by said clerk entered in a book to be kept for that purpose, and the gross amount thus received shall by him be paid into the county treasury and credited to the general fund, but when such transcripts, orders and certificates are prepared on behalf of the county, by order of commissioners, no fees shall be allowed.

Sec. 4. The county auditor in said county shall aid the commissioners in the performance of their duties by his presence, advice and information, which he is required to give in all matters pertaining to the duties of county auditor or county commissioners, when requested in writing by any member of the board; the county auditor in said county is required to perform all duties in aid of the commissioners now required by law, but he shall neither act as their clerk, nor appoint a deputy to act as such, nor have control of the books, documents, furniture or office, and all the powers conferred, and duties imposed, by any law upon the county auditor in his capacity merely as clerk of the board of county commissioners, shall be performed by the clerk appointed as provided in the original act hereby amended, except that such auditor shall keep a full and complete index of claims approved by county commissioners and shall receive therefor such compensation as is provided by law for like services in other cases.

Sec. 5. All books, papers, plats, records, journals, petitions and all other matters and things whatever, in anywise relating or appertaining to, or necessary to the business of the commissioners, and to county and state roads, free turnpikes, and all applications for road improvements and all accompanying papers now or heretofore in the custody or under the control of the auditor of said county or on file in his office shall be by him placed in charge of said board of county commissioners, to be kept by it in some convenient place in its office, open at all times

to the inspection of the public, and all documents, papers, petitions, notices, plats, profiles, surveys, estimates or writings of any kind intended for the consideration of the county commissioners or as a basis upon which to invoke the action of such commissioners, shall be filed in the office of the county commissioners in the counties designated in the first section of the act hereby amended.

SECTION 2. That said original sections 3, 4 and 5 of said original act be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after the date of its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
229L

Passed April 25, 1898.

[House Bill No. 746.]

AN ACT

To provide an official stenographer for Erie county. To amend section 1 of an act entitled "An act to provide an official stenographer for certain counties therein named," passed March 27, 1894.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1 of an act entitled "An act to provide an official stenographer for certain counties therein named," passed March 27, 1894, be amended so as to read as follows:

Sec. 1. That in all counties having a population of 35,462 by the federal census of 1890, or which at any subsequent federal census may have such population, the court of common pleas of said county, or a judge thereof in vacation, may appoint one official stenographer for such county, who shall hold such office for a term of three years from and after the date of said appointment, and until a successor is appointed and qualified, unless sooner removed by the court of common pleas for neglect of duty, misconduct or incompetency. Such official stenographer shall take an oath to faithfully discharge the duties of said office and shall receive a salary of \$1,000 per annum, to be paid in equal monthly installments out of the general fund of said county upon the warrant of the county auditor of such county, who shall issue his warrants therefor on the treasury for the payment of said salary when there is filed in his office a certified copy of the journal entry of such appointment. It shall be the duty of said stenographer, unless the same be waived by the parties and the court, to make or cause to be made accurate stenographic notes of the testimony of the witnesses, the charge of the court to the jury, the rulings of the court in course of the trial or hearing, and all opinions rendered by the court, and all such other oral proceedings as the court or the parties may direct. In all cases or proceedings, held or tried in the circuit, common pleas and probate courts, such stenographic notes to be the property of the county and filed and preserved in the office of such stenographer. Provided, that if sessions of the common pleas and probate courts in said county are holden on the same days, said stenographer shall give preference to the common pleas court, unless

excused by the judge thereof. And the court shall not be required to reduce to writing its charge to the jury in any case in which such notes shall be taken of the charge, when a transcript in longhand shall be made out, and may be taken by the jury in their retirement and returned with their verdict into court. It shall be also the duty of such stenographer to make or cause to be made, at the request of either party or his attorney or the court, an accurate transcript into longhand of the notes so taken in any case or proceeding, to be paid for forthwith by the party ordering the same; except the charge to the jury and the requests to charge and opinions and decisions ordered by the court for his own use shall be transcribed without expense; but no such transcript of the notes in longhand shall be paid for out of the treasury in any case, unless such transcript shall be first ordered by the judge trying the case for his own use, and except in criminal cases when requested by the prosecuting attorney, in which latter case the bill therefor shall be approved by the court before whom said case was heard or tried. Provided, that in criminal cases where the state fails to convict the county shall not be required to pay for any transcripts of testimony ordered by the prosecuting attorney. Such stenographer shall, without extra compensation, also take down from the dictation of the court such shorthand notes as may be required by the court in preparing opinions or charges to juries.

SECTION 2. Section 1 of an act entitled "An act to provide an official stenographer for certain counties therein named," passed March 27, 1894 (O. L. 91, page 566), is hereby repealed, and this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 25, 1898.

230L

[House Bill No. 752.]

AN ACT

For the relief of Daniel Delaney.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of administration of the city of Cincinnati, and its successors, be and are hereby authorized and required to pass a voucher or warrant on the treasurer of the city of Cincinnati, in favor of Daniel Delaney, for the sum of \$3,898.23, and the auditor of said city of Cincinnati is hereby authorized and required to issue his warrant on the treasurer of said city of Cincinnati, in favor of said Daniel Delaney, for said sum of \$3,898.23, out of any money in the treasury of said city to the credit of the general fund not otherwise appropriated, which sum shall be in full liquidation and payment to said Daniel Delaney of all liability on the part of said city of Cincinnati, or the part of the park commissioners, for the improvement by him of Paradrome street, from Ida street to Parallax street, and under contract made between said Daniel Delaney and said city of Cincinnati on October 1, 1883.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.
231L

Passed April 25, 1898.

[House Bill No. 754.]

AN ACT

To authorize the board of administration in cities of the first grade of the first class to issue bonds for the purpose of constructing, erecting, reconstructing and reërecting market-houses in market-spaces in such cities.

[CINCINNATI.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That in cities of the first grade of the first class the board of administration and its successors be and the same is hereby authorized to issue bonds not exceeding fifty thousand dollars (\$50,000) in amount to raise money for the purpose of constructing, erecting, reconstructing and reërecting market-houses on the market-spaces of such city.

SECTION 2. It shall be lawful for said board of administration and its successors of such city to issue, from time to time, bonds in the name of said city, and under the corporate seal thereof, in an amount not to exceed fifty thousand dollars (\$50,000), said bonds to be of such denomination, and to be payable at such time, and bearing interest at such rate not exceeding four (4) per cent. per annum, as said board of administration and its successors may determine; said bonds shall be signed by the president of said board of administration and its successors, and by the mayor of the city, and attested by the city auditor, and shall be secured by the pledge of the faith of the city, and a tax which it shall be the duty of the board of legislation of said city annually to levy upon all the taxable property of said city, and certify the same to the county auditor, upon a certificate to that effect from the said board of administration and its successors as to the amount necessary to pay the interest thereon, and to provide a sinking fund for the final redemption of said bonds. Such tax shall be in addition to the amount now authorized to be levied for municipal purposes; provided, however, that whenever in the opinion of the board of administration and its successors the revenues derived from the rental of stalls in such market-houses are sufficient to provide a sinking fund for the final redemption of the bonds issued under the provisions of this act, and to pay the interest thereon, in addition to the amounts necessary for their maintenance, said board of administration and its successors shall have authority to pay to the trustees of the sinking fund of such city out of such revenues the amounts necessary to provide for the payment of such sinking fund and interest, and in such event no tax shall be levied for such purposes.

SECTION 3. Said board of administration and its successors shall receive bids for said bonds, after advertising the same for sale once a week for four consecutive weeks, upon the same day of the week, in some newspaper of general circulation in such city, and shall sell the same

for not less than the par value thereof with accrued interest to the highest bidder. The money arising from the sale of said bonds shall be placed in a fund to be called the "market-house fund." A careful account of the condition of said fund shall be separately kept by the auditor of said city, and shall be used for no other purpose than that herein designated.

SECTION 4. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 25, 1898.

232L

[House Bill No. 766.]

AN ACT

To amend section 6 of an act entitled "An act relating to incorporated villages [which] by the federal census of 1870 had, and which by any subsequent federal census, may have a population of one thousand and eighty-seven," passed April 16, 1878.

[MT. GILEAD, MORROW COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 6 of the above entitled act be amended so as to read as follows:

[Sec. 6.] After the first appointment of trustees as herein provided, the said trustees shall hold their offices for the term of five years from the date of their appointment, and if any of the said board of trustees as the same is now constituted shall have held the said office for five years when this act goes into effect, the same shall be held to constitute a vacancy in said office and shall be filled by appointment by the mayor of said village, who shall appoint one member for the term of one year, one for two years, one for three years, one for four years and one for five years, and one annually thereafter, and not more than three of said appointments shall be made from any one political party, excepting that if any of the members of said board when this act goes into effect shall not have held said office for five years, he shall continue to hold the same for the said term of five years from the date of his appointment, and whenever a vacancy occurs in said board from any other cause than the expiration of the term of office the same shall be filled for the unexpired term by appointment by the mayor of said village, and all of said appointments shall be made with the advice and consent of the council of said village.

SECTION 2. That said original section 6, be and the same is hereby repealed and this act shall take effect from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 25, 1898.

233L

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 25, 1898.

231L

[House Bill No. 754.]

AN ACT

To authorize the board of administration in cities of the first grade of the first class to issue bonds for the purpose of constructing, erecting, reconstructing and reërecting market-houses in market-spaces in such cities.

[CINCINNATI.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That in cities of the first grade of the first class the board of administration and its successors be and the same is hereby authorized to issue bonds not exceeding fifty thousand dollars (\$50,000) in amount to raise money for the purpose of constructing, erecting, reconstructing and reërecting market-houses on the market-spaces of such city.

SECTION 2. It shall be lawful for said board of administration and its successors of such city to issue, from time to time, bonds in the name of said city, and under the corporate seal thereof, in an amount not to exceed fifty thousand dollars (\$50,000), said bonds to be of such denomination, and to be payable at such time, and bearing interest at such rate not exceeding four (4) per cent. per annum, as said board of administration and its successors may determine; said bonds shall be signed by the president of said board of administration and its successors, and by the mayor of the city, and attested by the city auditor, and shall be secured by the pledge of the faith of the city, and a tax which it shall be the duty of the board of legislation of said city annually to levy upon all the taxable property of said city, and certify the same to the county auditor, upon a certificate to that effect from the said board of administration and its successors as to the amount necessary to pay the interest thereon, and to provide a sinking fund for the final redemption of said bonds. Such tax shall be in addition to the amount now authorized to be levied for municipal purposes; provided, however, that whenever in the opinion of the board of administration and its successors the revenues derived from the rental of stalls in such market-houses are sufficient to provide a sinking fund for the final redemption of the bonds issued under the provisions of this act, and to pay the interest thereon, in addition to the amounts necessary for their maintenance, said board of administration and its successors shall have authority to pay to the trustees of the sinking fund of such city out of such revenues the amounts necessary to provide for the payment of such sinking fund and interest, and in such event no tax shall be levied for such purposes.

SECTION 3. Said board of administration and its successors shall receive bids for said bonds, after advertising the same for sale once a week for four consecutive weeks, upon the same day of the week, in some newspaper of general circulation in such city, and shall sell the same

for not less than the par value thereof with accrued interest to the highest bidder. The money arising from the sale of said bonds shall be placed in a fund to be called the "market-house fund." A careful account of the condition of said fund shall be separately kept by the auditor of said city, and shall be used for no other purpose than that herein designated.

SECTION 4. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.
232L

Passed April 25, 1898.

[House Bill No. 766.]

AN ACT

To amend section 6 of an act entitled "An act relating to incorporated villages [which] by the federal census of 1870 had, and which by any subsequent federal census, may have a population of one thousand and eighty-seven," passed April 16, 1878.

[MT. GILEAD, MORROW COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 6 of the above entitled act be amended so as to read as follows:

[Sec. 6.] After the first appointment of trustees as herein provided, the said trustees shall hold their offices for the term of five years from the date of their appointment, and if any of the said board of trustees as the same is now constituted shall have held the said office for five years when this act goes into effect, the same shall be held to constitute a vacancy in said office and shall be filled by appointment by the mayor of said village, who shall appoint one member for the term of one year, one for two years, one for three years, one for four years and one for five years, and one annually thereafter, and not more than three of said appointments shall be made from any one political party, excepting that if any of the members of said board when this act goes into effect shall not have held said office for five years, he shall continue to hold the same for the said term of five years from the date of his appointment, and whenever a vacancy occurs in said board from any other cause than the expiration of the term of office the same shall be filled for the unexpired term by appointment by the mayor of said village, and all of said appointments shall be made with the advice and consent of the council of said village.

SECTION 2. That said original section 6, be and the same is hereby repealed and this act shall take effect from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.
233L

Passed April 25, 1898.

[House Bill No. 771.]

AN ACT

To authorize the commissioners of Vinton county to reimburse Edward Maple.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Vinton county, Ohio, be and are hereby authorized to reimburse Edward Maple, of Richland township, Vinton county, Ohio, not to exceed the sum of eighty dollars for certain live stock, the property of said Edward Maple, to wit: One horse and one cow killed by reason of having been bitten by a mad dog in the year 1893.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Passed April 26, 1898.

234L

[House Bill No. 786.]

AN ACT

To authorize the village of New Carlisle, Ohio, to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the village of New Carlisle, Clark county, Ohio, is hereby authorized to transfer any sum not exceeding two thousand dollars (\$2,000) from the sinking fund to the corporation fund of said village.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 25, 1898.

235L

[House Bill No. 905.]

AN ACT

To amend an act entitled "An act to provide a more efficient government for cities having a population of not less than 33,000 and not more than 34,000 inhabitants," passed April 20, 1893, amended April 21, 1898.

[YOUNGSTOWN.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section fifteen (15) of said act be and the same is hereby amended so as to read as follows:

Sec. 15. The aggregate of all taxes levied or ordered by such city above the tax for county and state purposes, and excepting the tax for

schools and school-house purposes, shall not exceed in any one year nine mills; provided, however, that the city commissioners of such cities shall, annually, at the time the rate of tax is fixed, provide by resolution for the distribution of the tax among the several departments of the corporation in such proportion to their needs as may be deemed necessary, and at no time thereafter shall the amount specified as necessary for the purpose named be changed, and all transfers of funds from one account to another are hereby expressly prohibited; and provided further, that in any such city in which there is established and maintained by a public library association, not organized for profit, a public library free to all inhabitants of such city, the council may levy an annual tax in addition, if need be, to said above aggregate amount of taxes, not exceeding two-tenths of a mill on all taxable property within such city, to be called the public library fund, and collected as other taxes. Said taxes for library purposes shall be paid by the treasurer of such city to the treasurer of such library association, to be used in the purchase of books, pamphlets, magazines, newspapers and for general library expenses, subject to such requirements as to accounting and reporting to council as the council may prescribe. And provided further, that in any such city in which there is established and maintained one or more hospital associations, not organized for profit, with hospitals equipped for the care and treatment of the sick and injured, the council may levy an annual tax in addition, if need be, to said above aggregate amount of taxes, not exceeding five-tenths of a mill on all taxable property within such city, to be called the hospital fund and collected as other taxes. Said taxes shall be paid by the treasurer of such city in as nearly as practicable equal proportions to the treasurers of such hospital associations as the city council shall contract with to furnish, and shall furnish board, lodging, nursing and medical treatment to the indigent sick and injured of such city, under such terms and conditions as the council of such city may prescribe.

SECTION 2. That said section 15 of said act is hereby repealed and this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 26, 1898.

236L

[House Bill No. 906.]

AN ACT

Supplementing section 2515 of the Revised Statutes of Ohio, by adding thereto section 2515—33c.

[TOLEDO.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That section 2515 of the Revised Statutes, as heretofore supplemented, be further supplemented by enacting section 2515—33c to read as follows:

Sec. 2515—33c. For the purpose of paying the interest and principal of the bonds specified in section 2515—33b as the same shall become due, the common council of said city shall levy annually upon all of the taxable property, real and personal, in said city a sum sufficient to pay the same, in addition to all other taxes authorized by law. Said bonds shall be signed by the mayor and auditor of such city and may be in denominations of \$500 or \$1,000, as the council may order.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.
237L

Passed April 26, 1898.

[House Bill No. 898.]

AN ACT

To amend section 2 of an act entitled "An act to authorize cities of the second grade of the second class to issue and sell levee and storm-water sewer bonds," passed April 5, 1898.

[DAYTON.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2 of an act entitled "An act to authorize cities of the second grade of the second class to issue and sell levee and storm-water sewer bonds," passed April 5, 1898, be amended so as to read as follows:

Sec. 2. That the board of city affairs of any city of the second grade of the second class is hereby authorized and empowered to issue and sell the bonds of such city, in any sum not exceeding fifty thousand dollars (\$50,000), for the purpose of constructing, extending and strengthening and repairing storm-water sewers and the outlets of such sewers, and for providing and placing in position in the outlets or mouths of storm-water sewers of such cities, appliances, valves or gates to prevent the water from rivers or streams flowing through such city, from entering storm-water sewers in times of freshets.

SECTION 2. That said original section 2, be and the same is hereby repealed.

SECTION 3. That this act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.
238L

Passed April 25, 1898.

[House Bill No. 875.]

AN ACT

Authorizing the board of education of the city school district of the city of Defiance to pay to Asa Toberan, late treasurer of the school funds of said city district, the sum of one thousand dollars (\$1,000) in reimbursement of the loss by him, as such treasurer, sustained by reason of an erroneous order drawn on the treasurer.

WHEREAS, On the 4th day of October, 1879, Asa Toberan, ex-treasurer of the board of education of the Defiance union schools, paid into the treasury of said board the sum of \$1320, which had been by him paid out on erroneous order issued by the clerk of said board; and,

WHEREAS, On November 10, 1885, \$320 of said amount with interest was refunded to said Asa Toberan, which left one thousand dollars with interest still due him; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there shall be submitted to the electors of the said city school district of the said city of Defiance, in Defiance county, Ohio, at the next general election, or at a special election as the board may determine, to be holden therein, the proposition for the reimbursement of the said Asa Toberan for the amount so as aforesaid by him as treasurer of said city school district lost by reason of said erroneous order.

SECTION 2. The ballots to be voted at such election shall have written or printed thereon, "For reimbursement — Yes," or "For reimbursement — No," and if a majority of all the votes cast at such election upon said proposition shall be in favor of such reimbursement then the said board of education of the said city school district of the said city of Defiance shall be fully authorized and empowered to direct, by resolution or otherwise, the clerk of said board to draw a warrant upon the treasurer of the school funds of said city district for the said sum of one thousand dollars with interest in favor of the said Asa Toberan, with release from October 4, 1879, to reimburse him for the loss by him as late treasurer of said school funds, sustained by reason of said erroneous order, and the said treasurer of said school funds shall upon the presentation of such warrant by said Asa Toberan or his assigns pay the same out of any funds in his hands belonging to said school district not otherwise appropriated.

SECTION 3. The deputy state supervisors of election of the said county of Defiance shall cause notice of the submission of said proposition to the electors of said school district to be given by publication in two newspapers of opposite politics in said city at least ten days before the date upon which such election is to be held, the costs and expenses of which publication shall be paid by the said Asa Toberan.

SECTION 4. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.
239L

Passed April 26, 1898.

[House Bill No. 869.]

AN ACT

To authorize the city council of the city of Ashtabula, Ohio, to issue bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of the city of Ashtabula, Ohio, be and are hereby authorized to issue and sell the bonds of said city to an amount not to exceed fifty thousand dollars for the purpose of dredging, widening and improving the river in said city.

SECTION 2. Provided, however, that before said bonds shall be issued the question shall first be submitted to a vote of the qualified voters of said city at some regular or special election and that a majority of said voters voting on such issue of bonds shall cast their votes in the affirmative.

SECTION 3. For the purpose of paying the principal and interest of said bonds when duly authorized and issued, and when the same shall be due and payable said council shall, in addition to other levies authorized by law, levy annually a sufficient tax therefor, on the property subject to taxation in such city, and such taxes shall be levied and collected in the same manner as other taxes.

SECTION 4. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.
240L

Passed April 26, 1898.

[House Bill No. 862.]

AN ACT

Authorizing the city of Columbus, Ohio, to borrow money [and issue bonds therefor, to meet and discharge the deficiency in the poor fund of said city].

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of the city of Columbus, Ohio, be and the said council is hereby authorized, for the purpose of meeting and discharging the deficiency in the poor fund, to borrow a sum of money not exceeding fifty thousand dollars (\$50,000), and to issue the bonds of said city therefor, in denominations of not less than five hundred nor more than one thousand dollars each, payable in not less than ten years and not more than twenty years from date, and bearing interest at not to exceed the rate of six per cent. per annum, payable semi-annually.

SECTION 2. The city council of said city of Columbus, Ohio, shall levy a tax annually on all of the property in said city to pay the accruing interest on such bonds, and to provide a sinking fund to pay said bonds at maturity, and such levy may be additional in rates and amount to the tax authorized by law to be levied for any and all purposes.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.
241L

Passed April 25, 1898.

[House Bill No. 857.]

AN ACT

To authorize the village council of the incorporated village of McConnelsville, Morgan county, Ohio, to issue bonds [or notes] for the purpose of providing said village with a system of public water-works.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village council of the incorporated village of McConnelsville, Morgan county, Ohio, be and the same is hereby authorized to issue bonds or notes of said village for an amount not exceeding twenty thousand dollars, for the purpose of providing said village with a system of public water-works.

SECTION 2. Before such bonds or notes, or any of them, shall be issued, the question of issuing them shall be submitted to the qualified electors of said village, at any general election, or at a special election called for that purpose, as the council of said village may order and at such election separate ballots shall be provided and used by the voters upon said question. The tickets voted at such election shall have written or printed thereon "Authority to issue water-works bonds or notes — Yes," or "Authority to issue water-works bonds or notes — No." If the proposition to issue said bonds or notes be approved by a majority of all the voters, voting at said election, the council of said village shall have authority to issue said bonds or notes for the purpose named, as provided in this act.

SECTION 3. The mayor of said village before any such election for said purpose, shall cause public notice of the submission of said question to be published in all the newspapers published and of general circulation therein, for at least ten days prior to such election and such election shall be held, proclamation thereof, and returns thereof made in all respects, not otherwise herein provided, as municipal elections are now required by law to be held and returned in villages.

SECTION 4. Said bonds or notes when so authorized shall be issued according to the provisions of an ordinance to be by said village council passed for that purpose, in denominations not less than five hundred dollars, and not more than one thousand dollars, payable at such times, not less than five years, and not exceeding twenty years from the date of the issue thereof, with interest not to exceed five per cent. per annum, payable semi-annually, principal and interest payable at such place as may be by said ordinance provided for; and if bonds shall be issued by said council, under the provisions of this act, they shall have attached thereto coupons representing the interest to accrue thereon. Said bonds or notes shall express upon their face the purpose for which, and the act under which, they were issued, and shall be signed by the mayor

of said village, and countersigned by the clerk thereof, and shall not be sold for less than their par value.

SECTION 5. The funds realized from the sale of said bonds or notes shall be used by a construction committee of four persons, two of whom shall be appointed by the mayor, and two to be appointed by the judge of the court of common pleas holding court in said county for the purpose of purchasing the necessary grounds and constructing, paying for, and maintaining water-works for said village; which water-works when completed, shall be used, operated, and controlled in such manner as may be prescribed by law and the ordinances of said village enacted in conformity therewith.

SECTION 6. The council of said village is hereby authorized to levy a tax annually on the taxable property within said village, in addition to the tax now by law authorized to be levied thereon, in such amount as will each year be sufficient, with the net income of such water-works, to pay the principal and interest as they may become due upon such bonds or notes, and provide a sinking fund for the gradual redemption of the same.

SECTION 7. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.
242L

Passed April 25, 1898.

[House Bill No. 852.]

AN ACT

To establish a special school district in Marion county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following described territory, situated in Marion county, Ohio, be and the same is hereby established into a special school district, to wit: Beginning at a point in the north line of said Marion county, eighty (80) rods east of the northwest corner of Grand Prairie township in said county; thence south through sections eighteen (18) and nineteen (19) in said township, one and three-fourth miles; thence west through sections twenty-four (24), twenty-three (23) and the east part of section twenty-two (22) in Salt Rock township in said county, two and one-half (2½) miles; thence north through sections twenty-two (22) and fifteen (15) in said Salt Rock township to the Wyandot county line; thence east on the county line to the place of beginning.

SECTION 2. Said special school district shall be entitled to receive the proportionate share of the school funds, and taxes levied for incidental expenses in accordance with the school enumeration of the year 1897 of children entitled to attend school, but this provision shall be subject to the limitation contained in the succeeding section of this act. Said special school district shall be governed by such laws as are now or may be hereafter in force relating to special school districts.

SECTION 3. This act shall take effect and be in force from and after its passage, but shall not affect any of the existing contracts of the boards of education of said townships, pertaining to the schools nor existing therein, but said contracts shall be executed according to the terms thereof and in accordance with the laws now in force.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 26, 1898.

243L

[House Bill No. 849.]

AN ACT

To authorize cities of the first grade of the first class to issue bonds to improve streets, and to pay for property to be hereafter condemned and appropriated for street purposes.

[CINCINNATI.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in cities of the first grade of the first class, the board of city affairs or its successors, shall have the power to issue bonds in the name of such city and under the corporate seal thereof, in a sum not to exceed \$35,000, to provide a special fund to pay the cost and expense of property to be hereafter condemned and appropriated to public use, for the opening, widening or extending of any road, street, avenue or highway and the improvement thereof, in any such city. Said bonds shall be made payable in not less than ten years nor more than fifteen years from the date of their issue, bearing interest not to exceed 4 per cent. per annum, to be signed by the president of such board of city affairs and by the mayor of such city and to be attested by the city auditor of such city, and be secured by the pledge of the faith of such city and by a tax, which shall be the duty of the board of legislation of such city annually to levy upon all the taxable property of such city, and to certify the same to the county auditor of the county in which said city is situated, upon a certificate from such board of city affairs as to the amount necessary to pay the interest thereon, and to provide a sinking fund for the final redemption of such bonds. Said taxes shall be in addition to the amount authorized by law to be levied for municipal purposes.

SECTION 2. The money arising from the sale of said bonds shall be placed in a fund to be called the "special street fund." The sinking fund trustees of said city shall be offered said bonds at their par value with accrued interest, and if said sinking fund trustees decline to buy the same, then the board of city affairs of said city, shall advertise said bonds for sale for two consecutive weeks in a newspaper of general circulation in said city and the highest bidder for said bonds, provided the same is not less than the par value thereof with accrued interest, shall be awarded the bonds.

SECTION 3. Said fund shall only be used for the purpose of paying the necessary expenses in condemning and appropriating the necessary property for the opening, widening or extending of any such road, street, avenue or highway and the improvement thereof. All of said work shall

be under the charge of the board of city affairs of such city and its chief engineer, and the money shall only be paid out upon the resolution passed by the board of city affairs of such city and upon vouchers properly approved by said board.

SECTION 4. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.
244L

Passed April 26, 1898.

[House Bill No. 839.]

AN ACT

To provide an additional sum to improve, repair and reconstruct the buildings on fair-grounds for the use of county agricultural associations.

[HAMILTON COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in any county of the state containing a city of the first grade of the first class, having an agricultural society organized under the laws of the state, the board of directors of such agricultural society, whenever they deem it necessary to improve the fair-grounds, repair and reconstruct the buildings thereon used by such society, shall, at a general meeting of said board, by a vote of at least two thirds of [all] the members thereof, upon a call of the yeas and nays, pass a resolution for the purpose of securing the benefit of this act, declaring such necessity, and said board of directors shall then, within thirty days of [from] the passage of said resolution, give notice in writing to the board of county commissioners of the county containing such fair grounds of the necessity for improving said grounds and repairing and reconstructing the buildings thereon under the absolute control of such society, which notice shall contain or have annexed thereto a certified copy of said resolution, and shall be signed by the president and secretary of said board of directors.

SECTION 2. That after the filing of said notice the board of county commissioners shall proceed to improve said fair-grounds and repair and reconstruct the buildings thereon in use by such society within a reasonable time, not to exceed four months, in such manner as the board of directors of such society shall direct, but the total costs of said improvements when completed shall not exceed the sum of ten thousand dollars (\$10,000).

SECTION 3. That the payments of said improvements to said fair-grounds and repairs and reconstruction of the buildings thereon shall be made by said board of county commissioners from any unappropriated funds in the county treasury at such times as the [such] payments are to be made; and if no such funds are in the county treasury at such times, then said board of county commissioners are hereby directed to issue the bonds of said county for such amounts as may be necessary for such improvements and repairs, not to exceed the amount provided for in section 2 of this act, such bonds to bear interest at four per cent. per

annum and to be payable at the office of the board of county commissioners at such times, not to exceed ten years from the date thereof, as said board of county commissioners shall determine; and to provide for the payment of such bonds said board of county commissioners are hereby directed to levy such annual taxes on all taxable property of the county as may be necessary therefor. Said levy shall be collected and accounted for as other county taxes are by the proper county officers.

SECTION 4. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
245L

Passed April 26, 1898.

[House Bill No. 822.]

AN ACT

To establish a special school district in Henry county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That a special school district in the village [of] Grelton, county of Henry and state of Ohio, to be known as the Grelton special school district, be and the same is hereby established with boundaries as follows: Being sections 25 and 26, 35 and 36 in Harrison township, Henry county, Ohio; section 30 and the east half of section 29 and section 31, and the east half of section 32 in Damascas township, Henry county, Ohio, and sections 5, 6, 7 and 8 in Richfield township, Henry county, Ohio, and section 1 and the east half of section 2, section 12 and the east half of section 11, in Monroe township, Henry county, Ohio.

SECTION 2. All school property situated within the said described territory shall be the property of said special school district and said special school district shall be entitled to receive its proportionate share of the school funds and the funds levied for contingent expenses in accordance with the enumeration for the year 1897 of all children who are entitled to attend school in said territory, said funds being those now collected or in process of collection in the county treasury or several township treasuries in which said territory is situated, and shall in all respects be governed by such laws as now are or may be in force relating to special districts.

SECTION 3. Provided however, that within sixty days from the passage of this act an election shall be held at the village of Grelton in said territory embraced in section 1 of this act, at which election the qualified electors living within the territory embraced in section 1 of this act shall be entitled to vote. Said election shall be held upon, not less than twenty days' notice thereof, published for two weeks in two newspapers of opposite politics in said county, prior to the said election. Said election shall be held with two judges and two clerks of election, to be appointed by the board of deputy state supervisors of elections for said county of Henry, and the expenses of said election shall be paid out of the election funds of said county, in the same manner as at general

elections, and a record of the result of such election shall be kept by the board [of] deputy state supervisors of election of said county, to whom said judges and clerks of said election shall make due return of said election.

SECTION 4. Persons voting at any election under the provisions of this act, who are in favor of said special school district, shall have written or printed on their ballot for said special school district, Yes; and those who are opposed to said special school district, No. And if a majority of the votes cast at said election be in favor of said special school district, then said special school district, as provided for in sections 1 and 2 of this act, shall be and hereby is created.

SECTION 5. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 25, 1898.

246L

[House Bill No. 816.]

AN ACT

To empower the school board of Swanton village school district to make an additional levy for school purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the school board of Swanton village school district be and are hereby authorized to levy, not to exceed eight mills on all the taxable property in said district in addition to the levy authorized in section 3959, Revised Statutes of Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Passed April 26, 1898.

247L

[House Bill No. 809.]

AN ACT

To authorize the council of the incorporated village of Trimble, county of Athens and state of Ohio, to issue and sell its bonds for the purposes herein mentioned.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That the incorporated village of Trimble, in the county of Athens and state of Ohio, be and it is hereby authorized and empowered to issue and sell the bonds of said village in any sum not to exceed the sum of fifteen hundred dollars (\$1500) for the purpose of improving the streets and sidewalks of said village.

SECTION 2. Said bonds when issued and sold shall not bear interest at a rate exceeding six per cent. per annum, the interest to be paid semi-annually, and shall be of the denominations of three hundred dollars each, and shall mature as follows: Three hundred dollars on the first day of July, 1899; three hundred dollars on the first day of July, 1900; three hundred dollars on the first day of July, 1901; three hundred dollars on the first day of July, 1902; and three hundred dollars on the first day of July, 1903, respectively. Said bonds shall not be sold for less than par value.

SECTION 3. Said bonds shall be signed by the mayor, and attested and registered by the clerk of said village and shall express upon their face the purpose for and the act under which issued. When said bonds are sold, the proceeds thereof shall be paid to the treasurer of said village, who shall hold and disburse the same as other village funds.

SECTION 4. After the issuance of the bonds as herein provided for, it shall be the duty of the council of said village annually thereafter, to assess and levy such amount of tax as is necessary in addition to that now authorized by law upon all the taxable property of and in said village, sufficient to provide for the payment of the principal and interest of said bonds when due and payable, and said taxes shall be collected as other taxes of said village.

SECTION 5. The council of said village are further authorized to sell said bonds either at public or private sale as they may deem proper. Provided, however, that before such bonds or any of them shall be issued the question of issuing the same shall be submitted to a vote of the qualified electors of such city at a special election to be held at such time as the council of such city shall appoint. The tickets voted shall have written or printed thereon the words: "Authority to issue bonds — Yes." "Authority to issue bonds — No." If the proposition to issue bonds be approved by a majority of those voting upon the proposition, the council of said city shall have authority to issue such bonds for the purpose named, as provided in this act.

SECTION 6. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.
248L

Passed April 25, 1898.

[House Bill No. 825.]

AN ACT

For the relief of Christian Kraner, treasurer of Richland township, Marion county, Ohio, and sureties on his official bond.

WHEREAS, On the 19th day of October, A. D. 1896, the Marion deposit bank in the city of Marion, Ohio, failed in a large amount, and whereas, one Christian Kraner, as treasurer of Richland township, Marion county, Ohio, had at the same time on deposit in said bank the sum of \$641.14 belonging to said township, and whereas, the trustees

of the above named township did not furnish said treasurer with a safe or other means of protecting the funds in his hands; and,

WHEREAS, Without fault or negligence on the part of said treasurer said bank became insolvent and made a general assignment for the benefit of its creditors; and,

WHEREAS, The said bank will not be able to pay its depositors in full; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the said Christian Kraner and his bondsmen, be and the same are hereby released from all payment of, and liability for so much of the aforesaid funds as the assignees of the said Marion deposit bank shall fail to pay to the said Christian Kraner, on the full and final settlement of said assignment, and they and each of them, shall be relieved of any and all liability for said sum. And the board of trustees of said township is hereby authorized and required by suitable resolutions to make an entry on the records of said township, releasing the said Christian Kraner and the sureties on his official bond as such treasurer, from the payment of any balance remaining unpaid of said money deposited by him in said bank. And the assignees of said bank are hereby authorized and required to pay to the treasurer of said township all dividends that may hereafter be declared from the assets of said bank.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.
249L

Passed April 25, 1898.

[Senate Bill No. 530.]

AN ACT

To authorize the county commissioners of Cuyahoga county to construct a bridge across Cuyahoga river and to issue bonds therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Cuyahoga county be and are hereby authorized to construct a new bridge across Cuyahoga river at Willow, near the eight-mile lock, as said commissioners may hereafter determine.

SECTION 2. For the purpose of providing the funds necessary for the building of said bridge, said commissioners are hereby authorized to issue the bonds of said county for an amount not to exceed one hundred and fifty thousand (\$150,000) dollars, which said bonds may be made payable at any time not less than ten and not to exceed twenty years from the date thereof, and shall bear interest at a rate not to exceed five per cent. per annum, payable semi-annually. Said bonds may be issued from time to time, in such amount or amounts as the progress of the work or the convenience of the commissioners may require, and shall have written or printed upon their face the date of the law under which they were issued and the words, "Willow, or eight-mile lock bridge," and shall not be sold for less than par, and the proceeds shall not be applied

to any other purpose than the payment of the cost and expense of said improvement, and to pay the interest on said bonds as the same shall accrue.

SECTION 3. Said bonds, when so issued, shall be signed by said commissioners and countersigned by the auditor of said county.

SECTION 4. No part of the proceeds arising from the sale of the said bonds shall be applied to or for the payment of any right of way or on account of any damage that may result to any property along the line of said improvement.

SECTION 5. The commissioners of said county are hereby authorized to levy a tax upon all the taxable property of said county in addition to all other taxes authorized by law in such amounts as will be necessary to meet the payment of said bonds and interest as the same shall become due.

SECTION 6. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
250L

Passed April 26, 1898.

[House Bill No. 537.]

AN ACT

For the relief of F. O. Brown, treasurer of Mill township, Tuscarawas county, Ohio; J. W. Oliver, treasurer of Union township, Tuscarawas county, Ohio; William A. McConnell of Gnadenhutten special school district of Clay township, Tuscarawas county, Ohio.

WHEREAS, On the 28th day of July, 1896, the Dennison deposit bank in Dennison, Ohio, failed in a large amount;

WHEREAS, Mr. J. W. Oliver, treasurer of Union township, Tuscarawas county, Ohio, had on deposit in said bank as such treasurer at the time of such failure money belonging to said treasurer in the sum of four hundred and seven dollars and seventy-seven cents, which belonged to the school fund of said Union township; and,

WHEREAS, F. O. Brown, treasurer of Mill township, Tuscarawas county, Ohio, had at the same time on deposit in said bank the sum of one thousand seven hundred and thirty-five dollars and seventy-six cents; and,

WHEREAS, William C. McConnell, treasurer of said special school district, Clay township, Tuscarawas county, Ohio, had at the same time on deposit in said bank two hundred and forty-seven dollars and fourteen cents; and,

WHEREAS, The trustees of the above named townships did not furnish said treasurer, or either of them, with a safe or other means of protecting such sums in their hands; and,

WHEREAS, Without fault or negligence on the part of any of the said above named treasurers, said bank became insolvent and made a general assignment for the benefit of its creditors; and,

WHEREAS, The said bank will not be able to pay its depositors in full; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the said F. O. Brown, J. W. Oliver and William A. McConnell and their respective bondsmen, be and the same are hereby released from all payment of and liability for so much of the aforesaid funds as the assignees of said Dennison deposit bank shall fail to repay to the said F. O. Brown, J. W. Oliver and William A. McConnell on the full and final settlement of the assignment; and they and each of them shall be relieved of any and all liabilities for said sum. And the board of trustees of said townships, and the board of education of Gnadenhutten special school district are hereby authorized and required by suitable resolution to make an entry on the record of said townships releasing the said F. O. Brown, J. W. Oliver and William A. McConnell and the sureties on their official bonds as such treasurers for the payment of any balance remaining unpaid of said money deposited by them in said bank. And the assignees of said bank are hereby authorized and required to pay to the treasurers of said townships all dividends that may be hereafter declared from the assets of said bank. Provided, that before this act shall take effect the trustees of the said township shall submit said proposition to the electors of said township, and if a majority of those voting, vote to release said F. O. Brown, J. W. Oliver and William A. McConnell and their respective bondsmen, then said trustees shall proceed to carry out the intentions and purposes of this act.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.
251L

Passed April 26, 1898.

[House Bill No. 551.]

AN ACT

To authorize the county commissioners of Ashtabula county to transfer funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Ashtabula county be and are hereby authorized to transfer ten thousand dollars (\$10,000) from the building fund to the bridge fund of said county.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.
252L

Passed April 25, 1898.

[Senate Bill No. 549.]

AN ACT

Supplementary to an act to provide a board of park commissioners, and to provide for the acquisition of grounds for parks, park entrances, and park driveways, and for the improvement, management, and control of parks, park entrances, and park driveways, in cities of the second grade of the first class, passed April 5, 1893, and also of an act passed April 27, 1896.

[CLEVELAND.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That, to provide a further fund to pay the cost and expense of enlarging the parks of any city of the second grade of the first class, and for the establishment of such park or parks, park entrances and park driveways as in the opinion of the board of park commissioners of such city from time to time it may be necessary to establish, and for the improvement of the parks of such city, and the improvement of such park, or parks, park entrances of park driveways, which said board of park commissioners such city, as may be established and put under the control of said board, and for the improvement of any parks now existing and all parks, park entrances or park driveways, which said board of park commissioners may from time to time establish, it shall be lawful for said board of park commissioners, by a four-fifths vote of said board, and they are hereby authorized, after the passage of a resolution or ordinance by the city council of any such city recommending the same to borrow a fund not exceeding the sum of \$1,000,000 in addition to the fund mentioned and authorized in and by section 10 of an act to provide a board of park commissioners, and to provide for the acquisition of grounds for parks, park entrances and park driveways, and for the improvement, management, and control of parks, park entrances, and park driveways in cities of the second grade of the first class, passed April 5, 1893, and also in addition to the fund mentioned and authorized in section one of an act passed April 27, 1896, which was supplementary to the aforesaid act of April 5, 1893, and to issue therefor bonds of such city in the name and under the corporate seal of such city. Said bonds shall be made payable at such time not less than 30 years from the date of their issue, and shall bear interest at such rate, not to exceed four per cent. per annum, as said board of park commissioners shall determine; said bonds shall be signed by the president of the board of park commissioners and the mayor of such city, and be attested by the city auditor of such city, and shall be secured by the pledge of the faith of such city and tax, which it shall be the duty of said board of park commissioners or its successors to levy annually on the real and personal property returned on the grand duplicate, sufficient to pay the interest of said bonds, and certify the same to the county auditor. Before the maturity of said bonds the city council of said cities shall also levy a tax upon all of said real estate and personal property sufficient to pay the principal of said bonds, and certify the same to the county auditor. Said tax to pay the interest on said bonds and the principal thereof, shall be in addition to the amount now authorized by law to be levied for municipal purposes, and when so certified shall be placed upon the grand duplicate of said city by said county auditor and collected according to law. But said board of park commissioners may decline to pay the cost and expenses aforesaid, or

any part thereof, from the issue of bonds aforesaid, and shall not pay the cost and expense, or any part thereof, of appropriating or purchasing any street-railway property or franchise from the issue of bonds aforesaid, in which event, such cost and expense or any part thereof not paid from the issue of bonds shall be assessed by said board of park commissioners on the lots and lands abutting on such park, park entrances or park driveways, and such adjacent and contiguous or other benefited lots and lands in the corporation, either in proportion to the benefits which may result from the improvement, enlargement or establishment aforesaid, or according to the value of the property assessed, or by the foot front of the property bounding or abutting upon the park, park entrance or park driveways, as said board of park commissioners, before the improvement, enlargement or establishment aforesaid, may determine, in the manner and subject to the restriction provided in subdivision 1, chapter 4, division 7, title 12, of the Revised Statutes of Ohio, as to assessments in cities of the second grade of the first class, in the cases mentioned in section 2263 of said Revised Statutes, except that said board of park commissioners shall have all the authority in reference to parks, park entrances and park driveways therein conferred upon the city council in reference to the improvements therein named.

SECTION 2. Said board of park commissioners shall after the passage of an ordinance by the city council of any such city authorizing the sale of the bonds herein mentioned receive bids for said bonds, from time to time, as they may desire to dispose of them, or any part of them, after advertising them for sale once a week for four consecutive weeks, on the same day of the week, in two newspapers of opposite politics and general circulation in such city, and shall sell the same for not less than par value, to the highest bidder. The money arising from the sale of said bonds shall be placed in the city treasury to the credit of said board of park commissioners, in a fund to be called the "park fund." Warrants drawn upon the city treasurer for payment out of said fund shall be designated on their face, "For purchase of parks, park entrances and park driveways," or "For improvement of parks, park entrances and park driveways," according as they are drawn for (the one purpose or the other) and a careful account of the condition of said fund shall be kept by the city auditor of said city. No part of the funds realized from the sale of said bonds shall be applied to any other purpose than the acquisition of park lands, park entrances and park driveways, and the improvement of such parks, park entrances and park driveways as are now, or hereafter may be acquired; and no part of said funds shall be applied to the expense of management of any of such parks, park entrances and park driveways, but the expense of management and control of all parks, park entrances and driveways, now or hereafter established, shall be paid from the annual levy which may be authorized for park purposes or from other sources.

SECTION 3. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.
253L

Passed April 26, 1898.

[House Bill No. 589.]

AN ACT

To divide Marion and Spencer townships in Allen county, Ohio, so as to make another election precinct.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the townships of Marion and Spencer in Allen county, Ohio, be divided so as to make another election precinct, as follows: To consist of six sections of Marion township, the same being all that portion of said township situated west of the Miami and Erie canal, and numbered as follows: 1, 2, 3, 10, 11 and 12, and also six sections off of the north end of Spencer township and numbered as follows: 15, 16, 17, 22, 23 and 24. That said election precinct shall be known as Landeck precinct and the voting place shall be at the village of Landeck.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.
254L

Passed April 25, 1898.

[House Bill No. 577.]

AN ACT

To authorize the commissioners, auditor and treasurer of Fulton county, Ohio, to allow and pay for a bridge over Bean creek, in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Fulton county, Ohio, be and they are hereby authorized to allow the claim of the Buchanan bridge company, or its successors, to the amount of not exceeding sixteen hundred and fifty-eight dollars and fifty-five cents (\$1,658.55), with interest thereon from January 1, 1895. Said claim being for a bridge furnished by the said the Buchanan bridge company, to the commissioners of said Fulton county, Ohio, and constructed across and over a stream in said county, known as Bean creek, and delivered and completed by the said the Buchanan bridge company, on said January 1, 1895. And upon the allowance of said claim by the said county commissioners, the auditor of said county is hereby authorized to draw his warrant in payment thereof, to the said the Buchanan bridge company, its successors, or duly authorized agent, upon the treasurer of said county, who is hereby authorized to pay such warrant.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.
255L

Passed April 26, 1898.

[House Bill No. 572.]

AN ACT

To authorize the commissioners of Shelby county, Ohio, to levy tax for county purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Shelby county, Ohio, be and are hereby authorized to levy, in addition to the levies now authorized in section 2823 of the Revised Statutes of Ohio, for county purposes, an additional amount not to exceed five-tenths of a mill on the dollar valuation, but in such case the levy for other purposes shall be reduced to the same extent, so that the total levy for all purposes shall not exceed the limit provided for in chapter 5, title 13.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.
256L

Passed April 25, 1898.

[House Bill No. 566.]

AN ACT

For the relief of John Yoder, treasurer of Beaver township, Mahoning county, Ohio, and the sureties on his official bond.

WHEREAS, John Yoder was, on the 1st day of April, 1895, duly elected township treasurer of the township of Beaver, Mahoning county, Ohio; and,

WHEREAS, On the 8th day of April, 1895, the township trustees passed the following resolution with respect to the safe-keeping of public funds in the hands of the township treasurer: "By resolution the trustees of Beaver township, Mahoning county, Ohio, authorized the township treasurer to deposit all township funds in some bank subject to order of treasurer;" and,

WHEREAS, On the 2nd day of December, 1896, in compliance with said foregoing resolution, he in good faith, as such treasurer, had on deposit in the bank of J. Esterly & Company, of Columbiana, Ohio, the sum of \$164.98, the funds of said township; and,

WHEREAS, Without fault or negligence on the part of said John Yoder, said banking company became insolvent, and on the 2nd day of December, 1896, passed into the hands of a receiver; and,

WHEREAS, Said receiver has paid two dividends of five per cent. each, leaving a balance of \$148.02, for which amount said John Yoder and the sureties on his official bond are liable; and,

WHEREAS, Over four hundred of the qualified electors and taxpayers of said township (being more than 80 per cent. of the taxpayers and more than 80 per cent. of the electors thereof) have petitioned this

general assembly to pass an act to relieve said treasurer and the sureties on his official bond; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That said John Yoder and the sureties on his official bond as treasurer as aforesaid, be and are hereby wholly relieved and released from the payment to the treasurer of said township aforesaid, or to the officers thereof, of the balance remaining unpaid of said money so deposited by him as treasurer as aforesaid in said bank of J. Esterly & Company, of Columbiana, Ohio, upon the final settlement of the affairs of said bank, and they and each of them shall be relieved of any and all liability for said sum. And the board of trustees of said township are hereby authorized and required by suitable resolutions to make entry on the records of said township releasing said John Yoder and the sureties on his official bond from the payment of any balance remaining unpaid of said money deposited in said bank. And the receiver of said bank is hereby authorized and required to pay to the treasurer of said township all dividends that may hereafter be declared from the assets of said bank.

SECTION 2. This act shall take effect and be in force from and after its passage

HARRY C. MASON,
Speaker of the House of Representatives.

ASAH W. JONES,
President of the Senate.
257L

Passed April 25, 1898.

[House Bill No. 517.]

AN ACT

To authorize cities of the second grade of the first class to issue bonds for the purpose of building and constructing bridges therein.

[CLEVELAND.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any city of the second grade of the first class, in the state of Ohio, be and it is hereby authorized to borrow money in addition to any loans heretofore authorized, in a sum not to exceed one hundred thousand (\$100,000) dollars, at a rate of interest not to exceed five per centum per annum, payable semi-annually; such sum, or so much thereof as may be needed, to be used solely for the purpose of building and constructing such bridges, foundations and approaches within such city as the council thereof may direct. For the purpose of effecting such loan, and providing a fund for the purpose aforesaid, any such city is hereby authorized to issue its bonds for the aggregate amount of such loan, or any part thereof, in such denominations or amounts, and payable at such time or times and at such rate of interest, not exceeding the amount herein specified, as the council of such city may determine, said bonds, except as indicated in the foregoing, shall conform to the requirements of chapter 2, division 9, title 12, of the Revised Statutes of the state of Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
258L

Passed April 25, 1898.

[House Bill No. 516.]

AN ACT

To authorize cities of the second grade of the first class to issue bonds for the purpose of rebuilding, reconstructing or repairing bridges therein.

[CLEVELAND.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any city of the second grade of the first class, in the state of Ohio, be and it is hereby authorized to borrow money in addition to any loans heretofore authorized, in a sum not to exceed two hundred and fifty thousand (\$250,000) dollars, at a rate of interest not to exceed five per centum per annum, payable semi-annually; such sum, or so much thereof as may be needed to be used solely for the purpose of rebuilding, reconstructing or repairing of such bridges, foundations and approaches within such city as the council thereof may direct. For the purpose of effecting such loan, and providing a fund for the purpose aforesaid, any such city is hereby authorized to issue its bonds for the aggregate amount of such loan, or any part thereof, in such denominations, or amounts, and payable at such time or times, and at such rate of interest, not exceeding the amount herein specified, as the council of such city may determine. Said bonds, except as indicated in the foregoing, shall conform to the requirements of chapter 2, division 9, title 12, of the Revised Statutes of the state of Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
259L

Passed April 25, 1898.

[Senate Bill No. 506.]

AN ACT

To amend an act to authorize the improvement of public roads in certain townships by the township trustees thereof, as passed April 21, 1893 (L. L., O. L., p. 77).

[CRANBERRY TOWNSHIP, CRAWFORD COUNTY.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of any township in this state having within its boundaries a village whose population was at the last federal census not less

than seven hundred nor more than seven hundred and twenty, such township being bounded on its north side by two counties other than that of which it forms a part, shall when the petition of fifty or more taxpayers of such township (including such village) is presented to them, praying for the improvement of the public roads of such township, submit the question of the improvement of the public roads thereof to the qualified electors of such township, including such village, at a general or special election, within sixty days after the presentation of such petition.

SECTION 2. The qualified electors of such township (including those of such village) shall, at such election, have submitted to them the policy of improving its public roads by general taxation. And those voting in favor of such proposition shall have on their ballots, "Road improvement by general taxation — Yes," and those opposed, "Road improvement by general taxation — No." The township trustees shall cause notice of such election to be given in all the newspapers published in and of general circulation in such township, and shall also cause handbills announcing the same to be posted up at the usual place of holding elections in such township, at least ten days prior to such election.

SECTION 3. The trustees of such township shall appoint three judges and two clerks therein, who shall conduct such election in like manner as is by law provided for holding other elections. They shall within three days thereafter, return to the clerk of such township a full and correct abstract of the votes cast at such election, and shall be governed, in all respects, by the laws regulating general elections, and shall receive the same compensation as judges and clerks at other elections, which shall be paid out of the township fund upon the order of the township clerk. The poll-books and abstracts so returned to the township clerk shall, within five days thereafter, be opened by the township trustees and clerk, and a correct statement of the result shall be entered upon the records of the township by the clerk for public inspection.

SECTION 4. If at such election, a majority of the votes cast are against the policy of improving the public roads by general taxation, the township trustees shall not assess any tax for that purpose; but they shall, when a like petition is thereafter presented to them, again submit the same question at the next annual election, either spring or fall, to the qualified voters of such township, notice of which shall be given and the election conducted, in all respects, in the manner hereinbefore prescribed.

SECTION 5. If at such election, a majority be found in favor of the policy of the improvement of the public roads of such township by general taxation, the trustees of such township shall appoint three freeholders of such township as commissioners, to designate and determine the established roads of such township, which should in their opinion, be improved. The commissioners may call to their aid a competent engineer, who shall make a correct map of the township, plainly showing the established roads of such township which have been by such commissioners designated for improvement, and also, profiles of such roads, showing the grades thereof as they then exist, which he shall turn over to the custody of the township clerk.

SECTION 6. The commissioners so appointed shall, before entering upon the discharge of their duties, take an oath or affirmation, honestly and impartially to discharge their duties with a view to the public wel-

fare. They shall receive as compensation two dollars per day for each day actually employed. The engineer shall receive such sum, not exceeding four dollars per day, as he may with the commissioners agree upon. The compensation of the commissioners and the engineer shall be paid out of the township fund upon the order of the township clerk, after allowance by the township trustees.

SECTION 7. The trustees shall cause to be kept by the township clerk, in a book to be provided by them for that purpose, a full and complete record of their proceedings under this act, relating to the improvement of public roads; and also an accurate separate account of receipts and expenditures under its provisions; and no money raised for the improvement of public roads shall be drawn from the treasury except to pay liabilities already accrued, and then only in pursuance of orders caused by the trustees, whilst in session as a board, to be entered upon the record of their proceedings and by orders drawn in pursuance thereof by the township clerk, upon the township treasurer, and in favor of the persons only to whom the money is due.

SECTION 8. When the township trustees have by resolution determined to improve a designated road, the work of its construction shall be by them publicly let to the lowest responsible bidder, after due notice given of such letting by publication in one or more newspapers published in such township and by handbills judiciously posted.

SECTION 9. For the purpose of letting contracts the trustees shall cause each road about to be improved to be divided into suitable sections, and the sections shall be numbered from the point of beginning toward the township line, and shall let the same by sections. All contracts shall be let upon proper specifications of the various kinds of labor required upon each section, and also the materials which shall enter into the construction of the same. Bidders shall be required to separately state their bids for each class of work in such manner as the trustees may demand, and shall also bid separately for the materials to be furnished.

SECTION 10. Each contractor shall be required to give bond in amount at least equal to the contract price, with sufficient sureties for the faithful performance of his contract, payable to the township trustees, for the use and benefit of the township, and with the necessary stipulations on the part of the contractor and the specifications of work and materials inserted therein.

SECTION 11. In all cases the construction of such improved roads shall commence at the point of beginning, and no payments for work or materials shall be made except upon estimates made by the superintendent of improved roads, appointed by the trustees, and by him duly certified, of work actually done, and of materials actually furnished, and after reserving such per cent., not less than fifteen, as may be fixed by the parties to the contract, to guarantee the performance thereof.

SECTION 12. No road shall be improved under the provisions of this act which is less than forty feet wide, and at least twenty feet thereof shall be turnpiked with earth so as to drain freely to the sides, and shall be raised with stone or gravel not less than nine nor more than sixteen feet in width, and not less than twelve inches thick in the center nor less than eight inches at the outer edge of such bed of stone or gravel, well compacted together in such manner as to secure a firm, even and substantial road. In no case shall the grade, or ascent or descent of the

road be greater than seven degrees. The road shall be well provided with necessary sidedrains, wasteways and underdrains to prevent overflowing or washing by water; and the commissioners of the county in which such township is located shall, on the application of the township trustees, cause all necessary bridges and culverts on such roads to be constructed or reconstructed in a substantial manner, so as to conform to the grade of the improved road.

SECTION 13. All roads improved under the provisions of this act shall be free turnpikes; but the trustees of any such township shall have the same power to regulate the width of tires to be used on such roads as is conferred upon county commissioners in section 4904 of the Revised Statutes of the state of Ohio, and the penalties provided by section 4905 of said statutes, shall be applicable and imposed for any violation of the rules adopted by such trustees to regulate travel upon such improved roads.

SECTION 14. Before entering upon the improvement of any roads under the provisions of this act, the trustees of any such township shall employ some competent engineer, who shall be known as superintendent of improved roads, who shall be paid not more than four dollars per day, for the time actually employed, out of the funds raised for the improvement of roads. He shall, before entering upon his duties, take and subscribe an oath or affirmation to faithfully and honestly discharge his duties, and shall give bond in the sum of five thousand dollars, payable to the trustees, for the use and benefit of such township, conditioned that he will faithfully and honestly discharge his duties, all and singular, as superintendent of improved roads of such township; and for the duties performed under the provisions of this act the trustees shall, upon filing an itemized statement with the clerk of the township, as provided for in section 1530, Revised Statutes, as amended April 21, 1890, receive two dollars per day in addition to the fees allowed in said section 1530 for other services rendered for the time actually employed, but such compensation shall in no one year exceed the sum of eighty dollars each for the services performed under said original act, and the trustees shall allow the township clerk for services performed under this act a reasonable compensation not to exceed fifty dollars in any one year.

SECTION 15. It shall be the duty of the superintendent of improved roads of any such township to prepare all plans, profiles and specifications, and to determine the grades of any road about to be improved by the trustees of such township, when by them directed so to do; and all work done on such roads shall be under his supervision, and all materials shall be inspected by him, and both shall be subject to his approval. No payments shall be made for any work or materials except upon his estimates and certificate that the same is in compliance with the contract. He shall make and furnish to the parties interested estimates for work done and materials furnished at such times as the contracts may provide, and may employ such assistants as he may require, who shall receive such reasonable compensation as the township trustees may allow.

SECTION 16. For the purpose of providing the money necessary to meet the expenses of improving such roads, the trustees of any such township may, if in their opinion it be advisable, issue the bonds of the township, payable at such times as they may determine, not exceeding twenty-five years, in sums of five hundred dollars each, bearing interest

at a rate not exceeding six per cent. per annum. payable semi-annually; but such bonds shall not be sold for less than their par value, and the aggregate amount of the bonds of any such township shall not exceed thirty-five thousand dollars. The sale of all such bonds shall be advertised for at least thirty days, and the same shall be sold to the highest bidder.

SECTION 17. When the trustees of any such township have determined to improve any road or roads, as herein provided, in order to provide for the payment of such improvement, and to provide a fund for the redemption of any bonds issued by them under the provisions of section 16 of this act, together with the interest thereon, they shall, in addition to the other road taxes authorized by law, levy annually, upon each dollar of the valuation of all the taxable property of such township, including such village, an amount not exceeding three mills upon each dollar of such valuation, and shall continue such levy from year to year until the bonds issued for that purpose, together with the interest thereon, have been paid.

SECTION 18. The trustees of any such township shall cause the amount of the taxes by them levied each year, under section 17 of this act, to be certified to the auditor of the county in which it is located, as other taxes are certified to him, and the same shall be by him placed upon the duplicate of the taxable property of such township (including such village), and the same shall be collected by the county treasurer in like manner as other taxes are collected.

SECTION 19. The trustees of any such township shall provide for the keeping in repair of such improved roads, and for that purpose the provisions of sections 4891, 4892 and 4894 of the Revised Statutes are made applicable to such townships.

SECTION 20. To provide a fund for the keeping in repair of such improved roads the trustees of any such township may levy, annually, an amount not exceeding one-half of one mill upon each dollar of the valuation of all the taxable property of such township, including such village, in addition to the other road taxes by them levied.

SECTION 21. The treasurer of any such township shall receive and disburse all moneys arising from the provisions of this act. He shall receive as compensation therefor one per centum of the first ten thousand dollars or less disbursed by him in any one year, and one-half of one per centum upon any amount in excess of ten thousand dollars, to be paid out of the township fund, and he shall receive no other compensation for services under this act.

SECTION 22. No taxes or assessments shall be levied upon any property in such township (including such village) by the county commissioners of the county in which it is located, under the provisions of chapters 6, 7, and 8 of title 7 of the Revised Statutes of Ohio, after any of the public roads thereof have been improved under the provisions of this act.

SECTION 23. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
260L

Passed April 25, 1898.

[House Bill No. 692.]

AN ACT

To create a monument committee, to be called the permanent soldiers', sailors' and pioneers' monument committee of Butler county, Ohio; and to empower and direct the commissioners of Butler county, Ohio, to levy a tax to build monuments commemorative of the soldiers, sailors and pioneers of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be, and hereby is, created a monument committee, to be called the permanent soldiers', sailors' and pioneers' monument committee of Butler county, Ohio, to be composed of ten persons, who shall be resident electors of said county, and members of the present "soldiers', sailors' and pioneers' monument committee of Butler county, Ohio," to be appointed by the governor of the state of Ohio, by and with the consent of the senate of Ohio, and shall serve for a term of five years, or until the monuments, or structures herein provided for, shall be completed. Said committee shall perform the duties and exercise the powers prescribed by this act, and shall serve without compensation. Any vacancy from whatsoever cause occurring in said board, shall be filled by such committee by a member having the qualifications as hereinafter provided, at the next regular or called meeting of such committee according to the rules and by-laws governing the same, and who shall take an oath as prescribed in the succeeding section.

SECTION 2. Upon the appointment and confirmation of said committee, the members shall each take an oath to perform well and faithfully the duties imposed upon them by this act. And the said, the permanent soldiers', sailors' and pioneers' monument committee, having heretofore, to wit, on the twenty-fifth day of September, A. D. 1897, been duly incorporated as such, under the laws of Ohio, for the purpose of procuring a site and to procure means to erect thereon a suitable monument, to perpetuate the memory of the soldiers, sailors and pioneers of Butler county, and has since the procurement of said charter of incorporation, duly organized by the election of a president, a first and second vice-presidents, a treasurer, a recording secretary, and a financial secretary, a corresponding secretary, and has adopted the rules and by-laws by which said committee is to be governed in carrying forward the object of its said charter, and has procured a suitable place in the city of Hamilton, Butler county, Ohio, whereon to erect said monument or structure through the granting of an ordinance passed by the city council of said city, the same is hereby affirmed by this act, together with such amendments thereto as may from time to time be adopted by said committee.

SECTION 3. Said committee shall have full power to select a place or places for the proposed monuments, and shall have exclusive control of the building of said monuments, and is empowered to have models and designs prepared, and is hereby authorized, if it so determine, to locate one of such monuments on that portion of High street that lies west of a continued line of the west side of South Water street when intersecting High street, in the city of Hamilton, Butler county, Ohio, being the same site lately dedicated by the city council of Hamilton, Butler county, Ohio, to the said committee, by an ordinance duly passed by said city council, on the eighteenth day of January, 1898, and is now known as "Monu-

ment place," and one at or in the city of Middletown, Butler county, Ohio.

SECTION 4. Said committee having determined upon the site or sites for said structure or structures, as herein authorized, shall determine upon the plans for such monuments or structures and it is authorized to contract with the lowest and best bidder for either a whole or a part of the work, or it may in its discretion, contract for the same by day's work or price, and said committee is also empowered to do whatever work that may be necessary, to render said sites suitable therefor; provided, however, the entire cost of the proposed structures, the expense if any, in rendering the proposed sites suitable for said structures, and any expense of the committee, shall not exceed the amount authorized by this act, to be levied for the same. And, provided further, that said monument committee is authorized to receive donations in money, and materials for such structures, or time or services of any person in the erection of said structures, or the improvements of such sites.

SECTION 5. The said monument committee is also authorized to appropriate for temporary use, at the commencement or progress of its work, any public property of the county of Butler, or the city of Hamilton, or the city of Middletown, which may at any time be vacant, and to erect temporary structures thereon, in which work for the monuments can be prepared, and to have fuel and light furnished free, upon application of said monument committee from said municipalities, or from the gas trustees of said municipalities, if said municipalities own their own gas-works, and in ample quantity for such temporary buildings; and the city water-works trustees of said municipalities shall furnish free of charge, upon demand made by said monument committee, all water necessary for the use in the building of said proposed monuments at the place or places designated by said monument committee.

SECTION 6. In the case of the monument at Hamilton, Butler county, Ohio, after said monument or structure has been fully completed, and the site whereon it is erected has been supplied with fountains, the water-works trustees of the said city of Hamilton are required to make suitable connections with the fountains which may be erected on said proposed site, and to furnish perpetually free of charge on the demand of said monument committee said fountains with all the water that may be necessary for drinking and other purposes. And the gas trustees of said city of Hamilton are required to furnish, free of charge, on demand made by the committee forthwith, with all the gas and electric lights that may be necessary to light the building and grounds, and to keep the same permanently and perpetually supplied and lighted, as other public buildings and grounds of said city.

SECTION 7. The county commissioners of Butler county, Ohio, be and they are hereby authorized and directed to levy a tax upon all the taxable property of said county 10-12 of a mill on the dollar of the valuation of said property, and in the same manner as other county taxes are levied and collected, which shall be levied and collected annually, for a period of three consecutive years, next following the passage of this act, for the purpose of erecting two suitable monuments, one to be located in Hamilton, Butler county, Ohio, and one at or in Middletown, Butler county, Ohio, to perpetuate the memory of the soldiers, sailors and pioneers of Butler county, Ohio, which money, when so col-

lected, shall be placed in the county treasury to the credit of the "monument fund," 9-12 of which sum shall be used to pay the costs of the erection of the monument at Hamilton, Butler county, Ohio, and 1-12 shall be used to pay the costs of erecting the monument at or in Middletown, Butler county, Ohio; provided that the question of levying such tax shall be submitted to the qualified electors of the county at a general or special election, to be decided upon and petitioned for by the soldiers', sailors' and pioneers' monument committee, and said election to be conducted, canvassed and certified in the same manner as other elections, and if it result that a majority of the voters voting upon the question of levying the tax vote in favor thereof, then and not otherwise the tax shall be levied.

SECTION 8. The said monument committee shall have power, and it is hereby authorized, as the work on the monuments or structures progresses to make drafts upon the auditor of said county, to pay for such work done and material furnished under the direction of said monument committee; said drafts to be signed by the president of said monument committee and countersigned by the recording secretary thereof after they have been regularly instructed so to do, at a regular or called meeting of said monument committee, in accordance with the rules adopted for the allowance and payment of bills; and upon receiving such drafts said auditor shall draw his warrant on the treasurer of Butler county, Ohio, for the amount of the same.

SECTION 9. In the case of the monument at Hamilton, upon the completion of the same, the permanent soldiers', sailors' and pioneers' monument committee shall turn the same over to the said city of Hamilton, which city shall care for the same and the grounds surrounding it, and shall be empowered to employ a janitor therefor, one of the qualifications of whom shall be that he is an honorably discharged soldier or sailor from the United States army or navy who shall have sole care and control of said monument and the site of the same, and who shall be vested with all the ordinary powers of a policeman. Upon the completion of such monument or structure and after the same has been turned over as herein provided, the duties and powers of said the permanent soldiers', sailors' and pioneers' monument committee shall cease, and all balance of the monument fund after the monument is completed and dedicated shall be turned into the city treasury of the city of Hamilton, and shall be known as the "monument fund," and shall be used in keeping in repair said monuments and grounds. When the said monument and site are turned over to the said city of Hamilton as herein provided, it shall be a charge against said city and all expenses necessary to maintain and keep in repair said monument, beautify the grounds and all other necessary expenses connected therewith shall be paid by said city out of said monument fund. And when said fund becomes exhausted they shall be paid out of the general expense fund of said city.

SECTION 10. The said the permanent soldiers', sailors' and pioneers' monument committee of Butler county, Ohio, shall appoint a sub-committee of five resident electors of Middletown, Butler county, Ohio, for the purpose of erecting said monument at or in said municipality, as provided in this act, who shall be paid the money herein provided for, for the erection of the monument at or in Middletown, Butler county.

Ohio, or so much thereof as shall be necessary to complete the same. The same to be paid out of the treasury of Butler county, Ohio, as hereinbefore provided by the said the permanent soldiers', sailors' and pioneers' monument committee of Butler county, Ohio.

SECTION 11. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
261L

Passed April 25, 1898.

[House Bill No. 676.]

AN ACT

Authorizing the township clerk of Bratton township, Adams county, Ohio, to issue an order in favor of W. C. McCall of said township and county, in the sum of eighty-five (\$85) dollars, for services rendered as teacher in district No. 2 of said township and county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township clerk of Bratton township, Adams county, Ohio, is hereby authorized and instructed to issue an order in behalf of W. C. McCall of said township and county, in the sum of eighty-five (\$85) dollars, for services properly rendered as teacher in subdistrict No. 2, of said township, to the township treasurer of said township.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
262L

Passed April 26, 1898.

[House Bill No. 669.]

AN ACT

To provide for the creation of a board of hospital trustees, and to prescribe the powers and duties of such board in cities of the second class, third grade a.

[SPRINGFIELD.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in cities of the second class, third grade a, there shall be a board of hospital trustees, consisting of five (5) members, not more than three (3) of whom shall at any time belong to the same political party, and at least four (4) of whom shall be electors of the city for which they are appointed, and one (1) of whom may be an elector of the township in which such city is situated, although not an elector of such city.

SECTION 2. The members of such board of hospital trustees shall be appointed by the board of tax commissioners of such city within thirty

(30) days after the passage of this act, respectively for terms of one (1), two (2), three (3), four (4) and five (5) years, and thereafter one (1) member shall annually be so appointed for the term of five (5) years, and in case of a vacancy arising from any cause such vacancy shall be so filled by appointment for the unexpired part of such term.

SECTION 3. The members of said board of hospital trustees shall serve without compensation, and before entering upon the discharge of their duties shall take the oath of office prescribed by law, and shall each give bond in the sum of twenty-five hundred (\$2,500) dollars, conditioned according to law and to the approval of the mayor and council of such city.

SECTION 4. Such board of hospital trustees shall hold meetings at least once a month, and shall adopt all necessary rules for the regulation of its business; it shall keep a complete record of all its proceedings, which record, or a copy thereof, duly certified by the clerk of said board, shall be competent evidence of the transactions of said board in all the courts of this state; the ayes and nays shall be called upon the passage of every resolution or order; three (3) members of the board shall constitute a quorum for the transaction of all business, and no resolution or order shall be adopted or contract or other obligation entered into unless three (3) members shall vote in its favor; and no member of the said board shall be interested, directly or indirectly, in any contract concerning any hospital under the control of said board. The city clerk shall act as the clerk of such board of hospital trustees, and shall receive no additional salary or compensation for such services.

SECTION 5. Such board of hospital trustees, subject to the ordinances of council, shall have the entire management and control of any hospital or hospitals now belonging to any such city, or which it may hereafter acquire, and shall establish such rules for the government thereof and the admission of persons thereto as it may deem expedient; such board of hospital trustees shall also have the entire control of the expenditure of all moneys which any such city may, from time to time, have available for hospital purposes from whatever sources the same may have been derived, and the same shall be disbursed by the treasurer of any such city only upon the warrant of the city clerk, drawn in accordance with the order of such board of hospital trustees.

SECTION 6. Such board of hospital trustees shall have the entire management and control of the erection, rebuilding and repair of all buildings used for hospital purposes, and shall also have the entire management and control of all grounds used for hospital purposes, and shall adopt rules and regulations for the protection, care and government of all such buildings and grounds under its charge, and such rules, when approved by the council of any such city, shall have the same effect and may be enforced by the same penalties as ordinances of the city.

SECTION 7. It shall be the duty of such board of hospital trustees before entering into any contract for the erection of a hospital building, or for the rebuilding or repair of any hospital building, the cost of which exceeds one thousand (\$1,000) dollars, to cause plans, specifications, detailed drawings and forms of bids to be prepared, and when adopted by the board, it shall have the same printed for distribution among the bidders.

SECTION 8. All contracts shall be made in the name of the corporation, and it shall be stipulated therein that the contractors will not execute any extra work or make any modifications or alterations in the specifications and plans, unless ordered in writing by the board; that they will not claim pay for the same unless such written order is given, and the extra price or compensation fixed and agreed upon; and copies of the plans and drawings attested by the contractor, and the original bids, specifications and contracts shall be deposited in the office of the clerk of the corporation.

SECTION 9. The board shall not enter into any contract for work, or supplies, where the estimated cost thereof exceeds one thousand (\$1,000) dollars, without first causing thirty (30) days' notice to be given in one newspaper of general circulation in the corporation, that sealed proposals will be received for doing the work or furnishing the materials and supplies.

SECTION 10. Each bid shall be accompanied with a bond, signed by sufficient security, for the acceptance of the contract, if awarded by the board, to fully secure any difference between the amount of such bid and the next higher bid; and such amount shall be collected by the board and paid into the hospital fund, in case of the refusal by the bidder to enter into contract according to his bid, within such reasonable time, as the board may determine.

SECTION 11. All bids shall be enclosed in a sealed envelope, and deposited with the clerk of the board, and such sealed envelope shall have endorsed thereon the nature of the same; and all bids shall be opened at a regular meeting of the board.

SECTION 12. The board shall enter into contract with the lowest responsible bidder, upon his giving bond to the corporation, with such security as the board shall approve, that he will perform the work and furnish materials or supplies in accordance with his contract; and on the failure of such bidder within a reasonable time, to be fixed by the board, to enter into bond with the security before provided, a contract may be made with the next lowest responsible bidder, and so on, until a contract is effected by a contractor giving bond as aforesaid; provided that the board may reject any and all bids.

SECTION 13. Such board of hospital trustees shall have no power to incur any liability for hospital purposes beyond the amount of the funds levied, or otherwise received for such purpose.

SECTION 14. Such board of hospital trustees may employ such superintendents, physicians, nurses and other employes as it may deem necessary for the execution of its duties, and fix their salaries or compensation; and any of such persons may be removed by such board at any time.

SECTION 15. Such board of hospital trustees shall annually, on the first Monday in April, make a report to the council of their proceedings in respect to hospitals, with a detailed statement of their receipts and expenditures during the year; and they shall also at the same time submit to the council a detailed estimate of the amount necessary to maintain and improve such hospital for the ensuing year.

SECTION 16. Any and all acts and all sections and portions thereof, of the Revised Statutes of Ohio, in so far as the same conflict with or are inconsistent with any of the provisions of this act, are hereby repealed.

SECTION 17. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Passed April 25, 1898.

263L

[House Bill No. 668.]

AN ACT

Relating to the compensation of justices of the peace in Youngstown township, Mahoning county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in Youngstown township, Mahoning county, Ohio, each justice of the peace, for services rendered, shall receive in lieu of all fees a salary of twelve hundred dollars, and one hundred and fifty dollars for clerk hire, and not exceeding one hundred and fifty dollars for office rent, per annum, payable out of the treasury of said township, in monthly payments, on the first Saturday of each month, together with such suitable office furniture as the trustees of said township may provide, not exceeding in value two hundred dollars; the said furniture, when so provided, to be and remain the property of said township and to be turned over by each outgoing justice of the peace to his successor in office; he shall also be provided by such trustees with all necessary blanks and stationery; he shall keep his office open and devote his time to the duties thereof from 8:30 o'clock a. m. until 12 o'clock m. and from 1:30 o'clock p. m. until 5 o'clock p. m. And hereafter there shall be not more than two justices of the peace for said township, but the provisions of this act shall not be construed so as to prevent any present incumbent of such office from serving out the full term to which he has been elected. And in case there are more incumbents of said office in said township than the number to be hereafter elected, no election shall be held for justice of the peace therein until, by expiration of their term of office, the number of justices of the peace has been reduced to two, and thereafter elections shall be held in such townships to fill all vacancies occurring in such office.

SECTION 2. It shall be the duty of each justice of the peace described in the first section of this act to collect the fees as provided in sections 615 and 621 of the Revised Statutes of Ohio, and make return under oath to the township treasurer on the first Saturday of January, April, July and October of each year, of all fees collected by him, and pay the same to the township treasury; he shall also make a return to the township treasurer at the time of all fees due and uncollected; he shall, within five days after the expiration of his term of office, make an itemized statement under oath to the township treasurer of all fees uncollected by him, and it is hereby made the duty of said township treasurer to collect said unpaid fees, out of which he is authorized to retain

ten per centum of the amount collected for his services, and account for the balance as other funds of such township coming into his hands as treasurer.

SECTION 3. The township trustees of such township shall cause the accounts and transactions of such justice of the peace to be carefully examined, at least twice each year, and is authorized to take such possession of the books, dockets and papers necessary for the making of such examination.

SECTION 4. This act shall take effect and be in force from and after January 1, 1899.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
264L

Passed April 25, 1898.

[House Bill No. 655.]

AN ACT

To amend section 5 of "An act to authorize the commissioners of Hamilton county to levy a tax for improving, grading and macadamizing Indian Hill avenue in Columbiana township, and for other purposes." [91 O. L., 679.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 5 of "An act to authorize the commissioners of Hamilton county to levy a tax for improving, grading and macadamizing Indian Hill avenue in Columbia township, and for other purposes," passed May 1, 1894 (91 O. L., 679), be and the same is hereby amended so as to read as follows:

Sec. 5. When the report of the trustees, as provided in the preceding sections, is filed with the county commissioners, they shall at once advertise for bids, for ten consecutive days, in a newspaper of general circulation in said county, for improving said road by grading, macadamizing and constructing the necessary bridges and drains. And the said commissioners shall award the contract to the lowest and best bidder. The improvements shall be made under the supervision of the said trustees, who shall report, from time to time, to said commissioners, who are hereby given exclusive and complete jurisdiction in the improvement and levy provided for herein. The said trustees shall each be allowed and paid by said commissioners as compensation for their services, seventy-five dollars per month during and from the beginning of the construction of said avenue.

SECTION 2. Section five of said original act is hereby repealed, and this act shall take effect and be in force from and after the date of its passage.

HARRY C. MASON,
Speaker of the House of Representatives
ASAHEL W. JONES,
President of the Senate.
265L

Passed April 26, 1898.

[House Bill No. 646.]

AN ACT

To authorize the township board of education of Defiance township, Defiance county, Ohio, to issue bonds and build a school-house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Defiance township, Defiance county, Ohio, be and the same is hereby authorized and empowered to issue bonds in any sum not exceeding twelve hundred dollars (\$1,200) for the purpose of building a school-house in subdistrict No. 8, in said township.

SECTION 2. Said bonds shall be of the denomination of six hundred dollars (\$600) each, and bear interest at the rate of six per cent., payable semi-annually. The principal and interest shall be due and payable at such time as the board of education may, by resolution, determine. Said bonds shall be sold according to law, and for not less than their face value with accrued interest.

SECTION 3. Said board of education shall annually levy a tax not to exceed two (2) mills on the dollar valuation in addition to the levy of taxes now allowed by law for the purpose of paying the principal and interest of said bonds, as the same shall become due and payable according to the terms thereof.

SECTION 4. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
266L

Passed April 25, 1898.

[House Bill No. 620.]

AN ACT

For the purpose of providing for boards of education in Greene county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in village districts, in Greene county, the board of education shall consist of seven members, except in districts organized under a law providing for only three members who shall have the qualification of an elector therein, and in such districts the membership may be increased to seven, and three members shall be chosen at the next annual election for school officers, to serve for three years; and annually thereafter, two except every third year, when three judicious and competent persons shall be elected, and if the board consists of three members one such person shall be elected each year; provided, that in each special district in said county where the board of education now consists of six members, there shall be chosen at the next annual election for school officers, by ballot, on the first Monday of April, three members to serve for three years, and annually thereafter, two members to serve for three years, except every third year, when three persons shall be elected to serve for three years; five days' notice shall be given of such election. The

members of such boards now in office, and those hereafter elected shall serve until their successors are elected and qualified; provided further, that the first election under this act in village districts shall not take place until the first Monday of April, 1899.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
267L

Passed April 26, 1898.

[House Bill No. 611.]

AN ACT

To increase the salary of township trustees in Canton township, Stark county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of Canton township, Stark county, Ohio, may receive as compensation, at one dollar and fifty cents for each day's service, a sum not to exceed three hundred dollars each in any one year, to be paid out of the township treasury; including services in connection with the poor.

SECTION 2. This act shall take effect and be in force from and after its passage.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.
268L

Passed April 25, 1898.

JOINT RESOLUTIONS.

[Senate Joint Resolution No. 1.]

JOINT RESOLUTION

Providing for a committee on joint rules.

Be it resolved by the General Assembly of the State of Ohio, That a joint committee of three on the part of the senate and — on the part of the house be appointed to prepare and report joint rules for the two houses.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Adopted January 3, 1898.

1

[House Joint Resolution No. 2.]

JOINT RESOLUTION

Relative to the appointment of a committee of the house and senate to assist in the arrangement for the inauguration of General Asa S. Bushnell.

Resolved by the General Assembly of the State of Ohio, That a committee consisting of five members of the senate and seven members of the house be appointed respectively by the president and speaker to represent and act on behalf of the general assembly, and to cooperate with committees on behalf of civic and military organizations and bodies, in arranging for the inauguration of the governor-elect, General Asa S. Bushnell, on Monday, January 10, 1898.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Adopted January 3, 1898.

2

[House Joint Resolution No. 1.]

JOINT RESOLUTION

Relative to the appointment of a committee of the house and senate to wait upon the governor and to receive his message.

Be it resolved by the General Assembly of the State of Ohio, That a committee of three on the part of the senate and three on the part of

the house, be appointed to wait upon the governor and inform him that the general assembly is in session, and ready to receive any communication which he may have to transmit.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAH W. JONES,
President of the Senate.

Adopted January 3, 1898.

3

[House Joint Resolution No. 6.]

JOINT RESOLUTION

Concerning the election of a United States senator.

Resolved by the General Assembly of the State of Ohio, That the members of the two branches of the general assembly meet in joint convention in the hall of the house of representatives at 12 m. on Wednesday, January 12, 1898, for the purpose of taking such action relative to the election of a United States senator in congress, as provided for by law.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAH W. JONES,
President of the Senate.

Adopted January 11, 1898.

4

[House Joint Resolution No. 7.]

JOINT RESOLUTION

Concerning the printing of the manual of legislative practice.

Be it resolved by the General Assembly of the State of Ohio, That the clerk of the senate and the clerk of the house of representatives are hereby directed to have printed upon good book paper of suitable weight and bound, 2,500 copies of the manual of legislative practice of the general assembly of Ohio for the years 1898 and 1899, 600 copies for use of the senate and 1900 for use of the house of representatives.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAH W. JONES,
President of the Senate.

Adopted January 11, 1898.

5

[Senate Joint Resolution No. 7.]

JOINT RESOLUTION

Concerning adjournment of general assembly.

Resolved by the General Assembly of the State of Ohio, That when the senate and house of representatives adjourn on Thursday, January 13, 1898, they adjourn till Monday, January 17, 1898, at 4 o'clock p. m.

HARRY C. MASON,
Speaker of the House of Representatives.
 ASAHÉL W. JONES,
President of the Senate.

Adopted January 13, 1898.

6

[Senate Joint Resolution No. 3.]

JOINT RESOLUTION

Providing for a joint convention of the house and senate to count the vote for state officers.

Be it resolved by the General Assembly of the State of Ohio, That the two houses of the general assembly meet in joint convention in accordance with the provisions of the constitution and the statutes, on Wednesday, January 5, 1898, at 11 o'clock a. m., in the hall of the house of representatives to witness the opening, publishing and declaring the result of the returns of the votes cast for governor, lieutenant-governor, treasurer of state and attorney-general, at the election held on the first Tuesday after the first Monday in November, 1897.

HARRY C. MASON,
Speaker of the House of Representatives.
 ASAHÉL W. JONES,
President of the Senate.

Adopted January 20, 1898.

7

[House Joint Resolution No. 4.]

JOINT RESOLUTION

Concerning the adjourning of the general assembly until January 10, 1898.

Be it resolved by the General Assembly of the State of Ohio, That when the general assembly adjourns on Wednesday, January 5, it be to meet on Monday, January 10, 1898, at 9 a'clock a. m.

HARRY C. MASON,
Speaker of the House of Representatives.
 ASAHÉL W. JONES,
President of the Senate.

Adopted January 5, 1898.

8

[Senate Joint Resolution No. 10.]

JOINT RESOLUTION

Relative to adjournment.

Be it resolved by the General Assembly of the State of Ohio, That when the general assembly adjourns to-day it shall be until Monday, the 24th inst., at 4 o'clock p. m.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Adopted January 20, 1898.

9

[Senate Joint Resolution No. 9.]

JOINT RESOLUTION

In reference to the distribution of Howe's historical collections.

WHEREAS, There are now eight hundred and fifty set of "Howe's historical collections" now in the possession of the secretary of state for distribution,

Resolved, That they be distributed proportionally to the members of the general assembly for the use of the people of the state by the secretary of state, as soon as possible.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Adopted January 27, 1898.

10

[House Joint Resolution No. 13.]

JOINT RESOLUTION

Relative to printing two thousand (2000) copies of house bill No. 38 for use of members.

Resolved by the General Assembly of the State of Ohio, That there be printed for the use of the members thereof two thousand (2000) additional copies of house bill No. 38.

HARRY C. MASON,
Speaker of the House of Representatives.

T. E. CROMLEY,
President pro tem. of the Senate.

Adopted January 24, 1898.

11

[House Joint Resolution No. 9.]

JOINT RESOLUTION

Directing the clerk of the house to have printed two thousand copies of house bill No. 107.

Be it resolved by the General Assembly of the State of Ohio, That the clerk of the house of representatives is hereby directed to have printed for the use of the members of the general assembly two thousand (2,000) copies of house bill No. 107.

HARRY C. MASON,
Speaker of the House of Representatives.

T. E. CROMLEY,
President pro tem. of the Senate.

Adopted January 25, 1898.

12

[House Joint Resolution No. 11.]

JOINT RESOLUTION

Relative to having printed five hundred (500) additional copies of house bill No. 48 for use of members of the house and senate.

Resolved by the General Assembly of the State of Ohio, That there be printed five hundred (500) additional copies of house bill No. 48 for the use of the members of the house and senate.

HARRY C. MASON,
Speaker of the House of Representatives.

T. E. CROMLEY,
President pro tem. of the Senate.

Adopted January 31, 1898.

13

[House Joint Resolution No. 12.]

JOINT RESOLUTION

Concerning the printing of one thousand (1000) copies of house bill No. 56.

Resolved by the General Assembly of the State of Ohio, That there be printed for the use of the members thereof one thousand (1000) additional copies of house bill No. 56.

HARRY C. MASON,
Speaker of the House of Representatives.

T. E. CROMLEY,
President pro tem. of the Senate.

Adopted January 31, 1898.

14

[House Joint Resolution No. 14.]

JOINT RESOLUTION

Relative to the printing of five thousand (5000) copies of the list of members and officers and standing committees of the senate and house of representatives for the use of the senate and house.

Be it resolved by the General Assembly of the State of Ohio, That the clerk of the senate and the clerk of the house of representatives are hereby directed to have printed and bound five thousand (5000) copies of the list of members and officers and standing committees of the senate and house of representatives, fifteen hundred (1500) for the use of the senate and thirty-five hundred (3500) for the use of the house of representatives.

HARRY C. MASON,
Speaker of the House of Representatives.

T. E. CROMLEY,
President pro tem. of the Senate.

Adopted January 31, 1898.

15

[House Joint Resolution No. 15.]

JOINT RESOLUTION

Relative to having printed five hundred copies of house bill No. 8.

Resolved by the General Assembly of the State of Ohio, That there be printed for the use of the members thereof, five hundred (500) additional copies of house bill No. 8.

HARRY C. MASON,
Speaker of the House of Representatives.

T. E. CROMLEY,
President pro tem. of the Senate.

Adopted January 31, 1898.

16

[House Joint Resolution No. 16.]

JOINT RESOLUTION

Relative to having printed one thousand (1000) copies of house bill No. 2 for use of members.

Resolved by the General Assembly of the State of Ohio, That there be printed one thousand (1000) additional copies of house bill No. 2 for the use of the members of the house and senate.

HARRY C. MASON,
Speaker of the House of Representatives.

T. E. CROMLEY,
President pro tem. of the Senate.

Adopted January 31, 1898.

17

[Senate Joint Resolution No. 5.]

JOINT RESOLUTION

Providing for the publication of Howe's historical collections of Ohio.

WHEREAS, The state of Ohio owns the copyright, electrotype plates, engravings and all other apparatus and matter necessary and requisite for the publication of Howe's historical collections of Ohio, centennial edition, and by exhaustive research, study and investigation, much valuable information has been gathered and preserved thereby, of great value to the people of Ohio, and the same should be disseminated in a proper manner among the public schools, public libraries and citizens thereof; therefore,

Be it resolved by the General Assembly of the State of Ohio, That the commissioners of public printing be and are hereby directed and authorized to contract for and on behalf of the state, for the printing from said plates and engravings, etc., of (8,500) eight thousand five hundred sets and binding thereof, in style and manner similar to that furnished under house joint resolution No. 15, passed February 13, 1896 (92 O. L., 773), in sets of two volumes each, at a cost not to exceed one dollar and fifty cents per set; that said printing and delivery shall be done under the direction of the commissioners of public printing.

Resolved, That when said history is printed and bound, as aforesaid, the same shall be delivered to the secretary of state, and the following disposition and distribution made thereof: To the state library for exchange, fifty sets; to the archæological and historical society of Ohio, fifty sets for exchange; to each member of the seventy-third general assembly, fifty sets; to each officer and clerk of the said general assembly, and to each newspaper of general circulation published in the state, one set; and the remainder to be sold by the secretary of state at \$2.00 per set, and the proceeds thereof paid into the state treasury to the credit of the general revenue fund.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Adopted February 2, 1898.

18

[Senate Joint Resolution No. 15.]

JOINT RESOLUTION

In reference to additional copies of senate bill No. 8.

Be it resolved by the General Assembly of the State of Ohio, That the clerk be directed to have printed (500) five hundred additional copies of senate bill No. 8, for the use of the members.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Adopted February 2, 1898.

19

[Senate Joint Resolution No. 21.]

JOINT RESOLUTION

In reference to adjournment.

Be it resolved by the General Assembly of the State of Ohio, That when the general assembly adjourns on Thursday, February 3, it will be to meet on Monday, February 7, at 4 o'clock p. m., 1898.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Adopted February 7, 1898.

20

[House Joint Resolution No. 22.]

JOINT RESOLUTION

Relative to the printing of one thousand (1000) additional copies of house bill No. 211.

Resolved by the General Assembly of the State of Ohio, That there be printed one thousand (1000) additional copies of house bill No. 211, for the use of the members of the general assembly.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Adopted February 9, 1898.

21

[House Joint Resolution No. 25.]

JOINT RESOLUTION

Forbidding the manager or managers of any penal institution in the state of Ohio to enter into, or renew any contract while the 73rd general assembly is considering house bills Nos. 56 and 152 and senate bill No. 166, for a period of time exceeding six months.

Resolved by the General Assembly of the State of Ohio, That for and during the period of time in which this the 73rd general assembly is considering house bills No. 56 and No. 152 and senate bill No. 166, no contract shall be entered into or no contract renewed by the manager or managers of any penal institution whatever within the state of Ohio for a period of time exceeding six months from the adoption of this resolution.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Adopted February 10, 1898.

22

[Senate Joint Resolution No. 11.]

JOINT RESOLUTION

Providing for the publication of 10,000 additional copies of the report of the Ohio road commission.

Be it resolved by the General Assembly of the State of Ohio, That the supervisor of public printing be and he is hereby directed and authorized to contract for the printing of ten thousand additional copies of the report of the Ohio road commission, the same to be in the form and style as the original edition of twenty-four thousand copies heretofore published.

HARRY C. MASON,
Speaker of the House of Representatives.
THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Adopted February 23, 1898.

23

[Senate Joint Resolution No. 17.]

JOINT RESOLUTION

In reference to establishing a national military park to commemorate the campaign, siege and defense of Vicksburg.

WHEREAS, There is now pending in congress a bill (H. R. 4382, 55th congress) to establish a national military park to commemorate the campaign, siege and defense of Vicksburg; and,

WHEREAS, The operations that culminated almost simultaneously at Gettysburg and Vicksburg in July, 1863, not only mark the turning point in the war of the rebellion, but also constitute one of the greatest epochs in the history of the country, and both should be equally commemorated in the most impressive and enduring manner possible; and,

WHEREAS, The establishment of a national military park at Vicksburg will be an appropriate monument to the great commander whose genius planned the Vicksburg campaign and brilliantly carried it to a successful issue; and,

WHEREAS, The state of Ohio has an especial interest in this proposed national military park, for the reason that of her gallant soldiers, twenty-five regiments of infantry, one regiment of cavalry, and ten batteries of artillery participated in the operations it will commemorate; therefore,

Resolved, (if the senate concur) That the legislature of Ohio asks that above named bill (H. R. 4382, 55th congress) be passed during this session of congress, and requests the senators and members of the house of representatives in congress from Ohio to labor earnestly for its passage; and the governor is hereby directed to send a copy of this resolution to the senators and members of the house of representatives from Ohio; to his excellency, William McKinley, president of the United States; to the Hon. Thomas B. Reed, speaker of the house of representatives; to senator Joseph R. Hawley, chairman of the senate com-

mittee on military affairs; and to the Hon. A. T. Hull, chairman of the house committee on military affairs.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Adopted February 23, 1898.

24

[House Joint Resolution No. 28.]

JOINT RESOLUTION

Relative to having printed one thousand (1,000) additional copies of house bill No. 308.

Resolved by the General Assembly of the State of Ohio, That there be printed one thousand (1000) additional copies of house bill No. 308, for the use of members of the general assembly.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Adopted February 24, 1898.

25

[House Joint Resolution No. 29.]

JOINT RESOLUTION

Concerning the printing of five hundred (500) additional copies of house bill No. 130.

Resolved by the General Assembly of the State of Ohio, That there be printed five hundred (500) additional copies of house bill No. 130, for the use of members of the general assembly.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Adopted February 24, 1898.

26

[Senate Joint Resolution No. 27.]

JOINT RESOLUTION

In reference to adjournment on Friday next.

WHEREAS, Tuesday, February 22, 1898, is the 166th anniversary of the birth of the first president of the United States, and a legal holiday, therefore be it

Resolved by the General Assembly of the State of Ohio, That when adjournment is had of said body on Friday, February 18, 1898, that it

be until Wednesday, February 23, 1898, at 10 a. m., in memory of the immortal name and memory of the illustrious father of our country, George Washington.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Adopted February 28, 1898.

27

[Senate Joint Resolution No. 12.]

JOINT RESOLUTION

In reference to ending of present session.

WHEREAS, It is in accordance with the terms of the constitution and the desire of the people of the state of Ohio, therefore

Resolved by the General Assembly of the State of Ohio, That the present session thereof shall be ended by adjournment without day.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Adopted February 28, 1898.

28

[Senate Joint Resolution No. 28.]

JOINT RESOLUTION

In reference to battleship "Maine."

Resolved, That the general assembly of the state of Ohio deplores the awful loss of life and property incident to the destruction of the noble defender of the union, the battleship "Maine." Naval annals record no more impressive example of the heroism of the gallant navy of the United States than was exhibited in the brave, calm conduct of the survivors of that terrible incident in the moments of their greatest peril. The mothers, the wives, the family survivors of these brave men have our profoundest sympathy in their great bereavement, and we suggest the half-masting of the flags on the state buildings in testimony of our sympathy, and in token of our admiration for the heroic American sailors so suddenly summoned to their last roll-call.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Adopted February 28, 1898.

29

[House Joint Resolution No. 23.]

JOINT RESOLUTION

Directing the clerk of the house to have printed one thousand (1000) copies of house bill No. 189 for use of members.

Be it resolved by the General Assembly of the State of Ohio, That the clerk of the house is ordered to have one thousand (1000) copies of house bill No. 189 printed for the use of members.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Adopted February 11, 1898.

30

[House Joint Resolution No. 21.]

JOINT RESOLUTION

Authorizing the clerk of the house to have printed one thousand (1000) additional copies of house bill No. 202 for the use of members.

Be it resolved by the General Assembly of the State of Ohio, That the clerk of the house be authorized and instructed to have printed one thousand (1000) additional copies of house bill No. 202, by Mr. Bramley, for the use of the members of the general assembly.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Adopted February 27, 1898.

31

[Senate Joint Resolution No. 31.]

JOINT RESOLUTION

In reference to adjournment on Thursday next.

Be it resolved by the General Assembly of the State of Ohio, That when the said general assembly adjourns on Thursday, March 3, 1898, it be until 4 p. m. on Monday, March 7, 1898.

JOHN E. GRIFFITH,
Speaker pro tem. of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Adopted March 10, 1898.

32

[Senate Joint Resolution No. 30.]

JOINT RESOLUTION

In reference to senate bills Nos. 241 and 254.

Be it resolved by the General Assembly of the State of Ohio, That there be printed five hundred (500) additional copies each of senate bills Nos. 241 and 254 for the use of the general assembly.

JOHN E. GRIFFITH,
Speaker pro tem. of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Adopted March 11, 1898.

33

[Senate Joint Resolution No. 29.]

JOINT RESOLUTION

In reference to additional copies of senate bill No. 8.

Resolved by the General Assembly of the State of Ohio, That five hundred extra copies of senate bill No. 8 as amended, be printed for the use of the members.

JOHN E. GRIFFITH,
Speaker pro tem. of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Adopted March 11, 1898.

34

[House Joint Resolution No. 30.]

JOINT RESOLUTION

Relative to the admission of Arthur Huehn to the Dayton asylum for the insane.

WHEREAS, One Arthur Huehn, a foreigner, has become insane and his insanity has assumed a form that renders it unsafe for him to be at large; and,

WHEREAS, Under the statutes now in force the said Arthur Huehn is not eligible to admission to any insane asylum of this state, for the reason that he is not a legal resident thereof; and,

WHEREAS, He is confined in the county jail of Butler county, Ohio, where proper care and attention suitable to his case cannot be given; and,

WHEREAS, He should be confined in an asylum; therefore,

Be it resolved by the General Assembly of the State of Ohio, That the superintendent of the Dayton asylum for the insane, in compliance with section 700 of the Revised Statutes, be and is hereby authorized and required to admit said Arthur Huehn to said asylum as an inmate of

the same. And the county sheriff of Butler county is authorized to convey him to said asylum.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Adopted March 15, 1898.

35

[House Joint Resolution No. 32.]

JOINT RESOLUTION

Concerning the printing of 800 additional copies of house bill No. 338.

Resolved by the General Assembly of the State of Ohio, That there be printed 800 additional copies of house bill No. 338, for the use of members.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Adopted March 15, 1898.

36

[Senate Joint Resolution No. 35.]

JOINT RESOLUTION

In reference to the state of Ohio, of her history and progress.

WHEREAS, The state of Ohio by virtue of her history and progress in all that contributes to the good name and glory of a member of the American union has earned the rank she now enjoys; and,

WHEREAS, In the hours of our country's peril Ohio's brave sons and daughters have ever done their utmost to protect our flag and sustain the strength of the government; and,

WHEREAS, It would seem proper that one of the battleships of the United States navy should bear the name of Ohio; therefore,

Be it resolved by the General Assembly of the State of Ohio, That the honorable secretary of the navy and other officials of the government be and are hereby respectfully requested to consider the propriety of giving to one of the new battleships the name of our beloved state; and,

Further be it resolved, That our senators and representatives in congress be asked to give this request their support.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Adopted March 17, 1898.

37

[House Joint Resolution No. 38.]

JOINT RESOLUTION

Relative to admitting, as an inmate, one Appleton A. Downer, a foreigner, to the central hospital for the insane, and directing the sheriff of Licking county to convey him to said asylum.

WHEREAS, One Appleton A. Downer, a foreigner, has become insane and his insanity has assumed a form that renders it unsafe for him to be at large, and is under the constant care of an attendant;

WHEREAS, Under the statutes now in force the said Appleton A. Downer is not eligible to admission to any insane asylum of this state, for the reason that he is not a legal resident thereof; and,

WHEREAS, He should be confined in an asylum; therefore,

Be it resolved by the General Assembly of the State of Ohio, That the superintendent of the central hospital for the insane, in compliance with section 700 of the Revised Statutes, be and is hereby authorized and required to admit said Appleton A. Downer to said asylum as an inmate of the same, and the county sheriff of Licking county is authorized to convey him to said asylum.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Adopted March 21, 1898.

38

[House Joint Resolution No. 34.]

JOINT RESOLUTION

Concerning the printing of one thousand additional copies of house bill No. 476.

Resolved by the General Assembly of the State of Ohio, That the clerk of the house of representatives is hereby authorized and directed to have printed one thousand additional copies of house bill No. 476, for the use of members of the general assembly.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Adopted March 21, 1898.

39

[Senate Joint Resolution No. 26.]

JOINT RESOLUTION

Authorizing the trustees of the Ohio hospital for epileptics to buy furniture and fittings for buildings, and construct certain roads.

Be it resolved by the General Assembly of the State of Ohio, That the trustees of the Ohio hospital for epileptics be and they are hereby authorized to use of the unexpended balance that may be in the state

treasury to the credit of the current expense fund of that institution on February 15, 1898, the following sums for the purpose of buying furniture and fittings for the two buildings now ready for occupancy at that institution, ten thousand dollars (\$10,000); and for constructing the proper roads and approaches thereto, two thousand five hundred dollars; for the purchase of laundry machinery and fixtures, three thousand dollars. And the auditor of state is hereby directed to transfer the above sums to the furniture, road repair and laundry funds of said institution.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Adopted March 22, 1898.

40

[House Joint Resolution No. 40.]

JOINT RESOLUTION

Directing the printing of additional copies of house bill No. 567 and senate bill No. 348.

Resolved by the General Assembly of the State of Ohio, That there be printed one thousand (1000) copies each of house bill No. 567, of senate bill No. 348 for the use of the general assembly of Ohio, and that copies of said bills be placed in the bill books.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Adopted March 25, 1898.

41

[Senate Joint Resolution No. 34.]

JOINT RESOLUTION

In reference to the use of the senate chamber and hall of the house of representatives by the sons of veterans.

Resolved by the General Assembly of the State of Ohio, That the senate chamber and hall of the house of representatives be and is hereby granted to the sons of veterans and the ladies' aid society in which to hold their annual meeting for the year 1898, at such time as may be fixed for such meetings, subsequent to the adjournment of the general assembly.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Adopted March 29, 1898.

42

[Senate Joint Resolution No. 32.]

JOINT RESOLUTION

Relating to the appointment of a commission to the Trans-Mississippi and international exposition.

WHEREAS, The Trans-Mississippi commercial congress, composed of delegates from every state and territory west of the Mississippi river, by unanimous vote designed Omaha, Nebraska, as the exposition city, of the Trans-Mississippi and international exposition, and fixed June 1, 1898, for the inauguration of the same; and,

WHEREAS, An invitation has been extended to the state of Ohio to join with other states in equipping a special state or union building; and,

WHEREAS, To make such arrangements as will be necessary to provide for the proper representation of Ohio at said exposition; therefore,

SECTION 1. *Be it resolved by the General Assembly of the State of Ohio,* That we accept said invitation and that the governor of the state shall forthwith appoint four persons as commissioners, two from each of the leading political parties, to the said Trans-Mississippi and international exposition. It shall be the duty of such commission to encourage and promote commercial, industrial, educational and artistic exhibits by the citizens of Ohio at said exposition, and to solicit contributions for the preparation and maintenance of room for the exhibition of said exhibits in the building devised for said purposes by the exposition authorities, and also for the securing of suitable rooms for official headquarters of the state and for the comfort and convenience of its citizens. The commissioners shall after their appointment meet and organize and communicate with the officials of the said exposition, and arrange for the erection and maintenance of said room. Said commission shall serve without pay. The commission shall make a report from time to time to the governor of its proceedings. The total expenditures to be incurred by said commissioners shall not exceed three thousand dollars, and said commission shall keep a correct account of all receipts and disbursements, and in their final report file with the governor a detailed statement of all expenses incurred in pursuance of this commission.

HARRY C. MASON,

Speaker of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Adopted March 29, 1898.

43

[House Joint Resolution No. 37.]

JOINT RESOLUTION

Relative to the Ohio centennial.

WHEREAS, The general assembly of the state of Ohio, about two years ago, to wit, on Wednesday, February 19, 1896, adopted the following senate joint resolution:

"WHEREAS, There is a wide-spread feeling on the part of the people of this state, favorable to the proper observance of the one hundredth anniversary of the admission of Ohio to the union; and,

WHEREAS, The century just passing covers a period wherein the population of Ohio has increased from 45,365 in 1800, to 3,672,316 in 1900, and the wealth of the state, as shown by its assessed taxable property has multiplied from a comparatively small amount in 1800 to 1,742,500,000 dollars in 1895, and in these and many other ways exhibits the marvelous growth, development and civilization of the commonwealth.

Resolved by the General Assembly of the State of Ohio, That there be appointed by the governor, as soon as practicable, a commission of seven suitable persons, residents of this state, whose duty it shall be to formulate plans, and devise ways and means for the due observance of the centennial of Ohio in the year 1903, and report the same to the next general assembly in writing.

Resolved, That said commission shall act without compensation, other than the actual expenses made necessary by the execution of its duties and object."

WHEREAS, The report of said commission has not been made to this general assembly; and,

WHEREAS, The time has arrived when said report should be before the general assembly in order to be intelligently disposed of; therefore be it

Resolved by the General Assembly of the State of Ohio, That the governor be requested to inform said commission that its report will be expected within one week from the adoption of this resolution.

HARRY C. MASON,

Speaker of the House of Representatives.

ASAHEL W. JONES,

President of the Senate.

Adopted March 30, 1898.

44

[Senate Joint Resolution No. 39.]

JOINT RESOLUTION

In reference to building and loan associations.

WHEREAS, No provision has been made by law for printing the annual report of the bureau of building and loan associations; and,

WHEREAS, The annual report of the bureau of building and loan associations, for the fiscal year ending December 31, 1897, is now ready to be printed; therefore,

Be it resolved by the General Assembly of the State of Ohio, That the supervisor of public printing be and he is hereby directed and authorized to contract with the contractors for state printing, for and on behalf of the state, for the printing of one thousand copies of advance sheets and binding thereof in brochure covers, and one thousand copies of full report and binding thereof in style and manner similar to that provided for other reports in section 54 of the Revised Statutes; that said printing

and binding shall be done under the direction of the supervisor of public printing.

Resolved, That when said advance sheets are printed and bound, as aforesaid, the same shall be delivered to the inspector of building and loan associations, and the following disposition and distribution made thereof: One copy to each of the building and loan associations of the state and to each member of the 73rd general assembly, and the remainder to be distributed at the discretion of the inspector of building and loan associations.

Resolved, That when said reports are printed and bound, as aforesaid, the same shall be delivered to the inspector of building and loan associations, and the following disposition and distribution made thereof: One copy to each of the building and loan associations of the state, and the remainder to be distributed at the discretion of the inspector of building and loan associations.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Adopted March 30, 1898.

45

[House Joint Resolution No. 42.]

JOINT RESOLUTION

Memorializing the congress of the United States to enact laws to prevent the use of the flag, by private enterprise for advertising purposes.

WHEREAS, It is a fact notoriously patent to every patriotic observer, that the flag of the union is employed as a means of attracting attention to private enterprises by using it in connection with advertisements of various articles of merchandise, and for other purposes inconsistent with the spirit which prompted the adoption of our national emblem; and, believing that such base uses have a tendency to destroy the respect and veneration in which the stars and stripes should be held by all loyal citizens; therefore,

Be it resolved by the General Assembly of the State of Ohio, That the congress of the United States be and hereby is memorialized to enact such laws as will effectually prevent the use of the flag for advertising private enterprises, or to further the selfish interests of any class of citizens as against the interests of the whole people; and,

Be it further resolved, That the governor is hereby requested to forward to both branches of congress certified copies of this resolution.

HARRY C. MASON,
Speaker of the House of Representatives.

THADDEUS E. CROMLEY,
President pro tem. of the Senate.

Adopted April 8, 1898.

46

[Senate Joint Resolution No. 43.]

JOINT RESOLUTION

In reference to adjournment of the legislature.

Be it resolved, That when the legislature adjourns this week it be until Tuesday, April 5, 1898, at 10 a. m.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Adopted March 31, 1898.

47

[Senate Joint Resolution No. 44.]

JOINT RESOLUTION

Endorsing Senator J. B. Foraker's resolutions recognizing the independence of Cuba.

WHEREAS, Ohio's distinguished senator, Joseph Benson Foraker, has introduced into the senate of the United States resolutions recognizing the independence of the republic of Cuba and authorizing and directing the president of the United States to use, if necessary, the entire land and naval forces of the United States to carry these resolutions into effect; and,

WHEREAS, The people of Ohio, without regard to party or faction, believe that the hour for intervention and the independence of Cuba is at hand; therefore,

Be it resolved by the General Assembly of the State of Ohio, That we most heartily endorse the action of Senator Foraker and urge him to do promptly everything in his power to secure the adoption of the aforesaid resolutions, to the end that barbarous warfare shall cease in the island, and Cuba shall be free.

Be it further resolved, That the governor of the state of Ohio be requested to transmit to Hon. Joseph B. Foraker a certified copy of these resolutions.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Adopted April 1, 1898.

48

[House Joint Resolution No. 5.]

JOINT RESOLUTION

Relative to electing United States senators by direct vote of the qualified electors of each state of the union.

Resolved by the General Assembly of the State of Ohio, That the senate and house of representatives of America be memorialized as

follows: The general assembly of the state of Ohio, respectfully request the congress of the United States to submit a constitutional amendment, providing for the election of United States senators by direct vote of the qualified electors of each state of the union.

The general assembly is of opinion, that such an amendment to the national constitution will result in great good to the people. By such an amendment, every voter irrespective of the county of his residence shall have an opportunity to express his wishes and his choice. It will prevent the concentration of wealth, to overthrow the will of the people; it will prevent placing the great power of the many in the hands of the few; it will prevent protracted contests which are always at the expense of the people; it will prevent improper influences and corruption in the selection of the members of the national senate.

The general assembly maintains the doctrine that all political power in the United States is vested in the people, and that they should have the right to cast their votes direct for all legislative officers.

Resolved, That the governor is hereby respectfully requested to forward a duly authenticated copy of this memorial under the great seal of this state in order that the same may be brought before the congress of the United States.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Adopted April 13, 1898.

49

[House Joint Resolution No. 46.]

JOINT RESOLUTION

Relative to the returning of house bill No. 402, from the secretary of state's office to the general assembly.

WHEREAS, Clerical errors have occurred which might invalidate house bill No. 402, by Mr. Snyder, which bill has been passed and signed and is now in the hands of the secretary of state; therefore,

Be it resolved by the General Assembly of the State of Ohio, That house bill No. 402, by Mr. Snyder, "authorizing the city of Massillon to levy a tax for the maintenance of free public libraries," be returned by the secretary of state to the general assembly for correction.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Adopted April 19, 1898.

50

[House Joint Resolution No. 48.]

JOINT RESOLUTION

To provide for a grand exposition for the purpose of fittingly celebrating the one hundredth anniversary of the admittance of Ohio into the union as one of the United States.

WHEREAS, The general assembly of the state of Ohio about two years ago, to wit, on Wednesday, February 19, 1896, adopted the following senate joint resolution:

"WHEREAS, There is a wide-spread feeling on the part of the people of this state, favorable to the proper observance of the one hundredth anniversary of the admission of Ohio into the union; and,

WHEREAS, The century just passing covers a period wherein the population of Ohio has increased from 45,365 in 1800, to 3,672,316 in 1890, and the wealth of the state, as shown by its assessed taxable property has multiplied from a comparatively small amount in 1800, to 1,742,500,000 dollars in 1895, and in these and many other ways exhibits the marvelous growth, development and civilization of the commonwealth; therefore,

Be it resolved by the General Assembly of the State of Ohio, That there be appointed by the governor, as soon as practicable, a commission of seven suitable persons, residents of this state, whose duty it shall be to formulate plans, and devise ways and means for the due observance of the centennial of Ohio in the year 1903, and report the same to the next general assembly, in writing.

Resolved, That said commission shall act without compensation, other than the actual expenses made necessary by the execution of its duties and object;" and,

WHEREAS, The provisions of said resolution, according to the spirit and the letter having been duly complied with, and said commission regularly appointed by the governor having fully and honorably discharged its duties, and submitted its report which has been made a part of the records of the 73rd general assembly, and

WHEREAS, There is an almost universal feeling among the citizenship of this state that the one hundredth anniversary of the admittance of Ohio into the union should be observed by holding a grand exposition at which the onward march of our industrial and paternal institutions can be demonstrated with some degree of fullness, and in which exposition the other states and nations may be invited to participate, and

WHEREAS, The time has now arrived when it should be decided whether or not the one hundredth anniversary of the admittance of Ohio to the union as one of the United States shall be publicly observed either by holding an exposition or otherwise; therefore be it

Resolved by the General Assembly of the State of Ohio, That the one hundredth anniversary of the admittance of Ohio into the union as one of the United States, be observed by holding a grand exposition which shall be an institution of the state of Ohio, beginning on the fifteenth day of June and ending on the fifteenth day of October, A. D. 1903, at a place to be decided upon in joint session of this general assembly, and that invitations through the public press and otherwise

be extended to the other states and territories of this nation, to the nations of the world, and to the citizens thereof, to participate in said exposition; and be it further

Resolved, That this general assembly meet in joint session in the hall of the house of representatives, on Wednesday, April 20, 1898, at 7:30 p. m., and then and there determine at what place said exposition referred to in this resolution shall be held.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Adopted April 21, 1898.

51

[House Joint Resolution No. 31.]

JOINT RESOLUTION

Relative to the adjournment of the 73rd general assembly on April twenty-sixth (26), 1898.

Be it resolved by the General Assembly of the State of Ohio, That the seventy-third general assembly of Ohio adjourn sine die on Tuesday the twenty-sixth day of April, 1898, at 12 o'clock meridian.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Adopted April 21, 1898.

52

[House Joint Resolution No. 50.]

JOINT RESOLUTION

Relative to the return of house bill No. 506, by the secretary of state to the house of representatives.

Be it resolved by the General Assembly of the State of Ohio, That the secretary of state be requested to return to the house of representatives the enrolled copy of house bill No. 506.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHEL W. JONES,
President of the Senate.

Adopted April 21, 1898.

53

[House Joint Resolution No. 51.]

JOINT RESOLUTION

Authorizing the acceptance of a regiment of reserve militia.

WHEREAS, The first regiment sons of veterans guard of Ohio has been armed, equipped and maintained as an infantry regiment since

1891 at its own expense, and has provided for its own annual encampments, and its services have always been at the disposal of the state in case of need; therefore,

Be it resolved by the General Assembly of the State of Ohio, That the governor and adjutant-general of the state, be and they hereby are authorized and directed to recognize and accept the organization known as the first regiment sons of veterans guard, as a reserve militia infantry of Ohio. The same to constitute an organization of volunteers subject to call by the governor in case of war or invasion, and as otherwise provided in section 3086 of the Revised Statutes of Ohio. That the terms of enlistment shall be the same as that provided for the Ohio national guard.

That the governor and adjutant-general may prescribe such lawful rules and regulations for the government of such organization as they or either of them may deem necessary. And while in actual service it shall be subject to the same discipline and penalties, and be entitled to the same equipments, benefits, privileges, and immunities as the Ohio national guard.

That the provisions of sections 3086, 3087 and 3088 of the Revised Statutes of Ohio, not inconsistent herewith, shall be applicable to said organization; provided, however, that the adjutant-general may at any time grant to said organization such assistance and privileges as he may deem fit and proper.

JOHN E. GRIFFITH,
Speaker pro tem. of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Adopted April 21, 1898.

54

[Senate Joint Resolution No. 46.]

JOINT RESOLUTION

Changing the phraseology of line 245 in house bill No. 667, seventy-third general assembly, regular session.

Resolved by the General Assembly of the State of Ohio, That line 245 of house bill No. 667, by Mr. Jones, be amended to read as follows: Ordinary repairs and improvements, including carpets, furniture and bedding.

HARRY C. MASON,
Speaker of the House of Representatives.
ASAHEL W. JONES,
President of the Senate.

Adopted April 26, 1898.

55

[Senate Joint Resolution No. 48.]

JOINT RESOLUTION

Concerning the printing of manual of legislative practice.

Be it resolved by the General Assembly of the State of Ohio, That the clerks of the senate and house of representatives are hereby directed

to have printed upon number one book paper, of suitable weight, and bound, twenty-five hundred copies of the "manual of legislative practice" of the general assembly of Ohio for the years 1898 and 1899; six hundred copies for the use of the senate, and nineteen hundred copies for the use of the house of representatives; provided the biographies of the members shall be published at the end of the volume. Said printing and binding to be paid for out of the appropriation for state printing.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Adopted April 26, 1898.

56

[House Joint Resolution No. 52.]

JOINT RESOLUTION

Authorizing the board of trustees of the Ohio state university to grant permission to a street-railway company to extend or construct its tracks upon or across the grounds of said university.

Be it resolved by the General Assembly of the State of Ohio, That the board of trustees of the Ohio state university be, and they are hereby authorized to grant permission to the Columbus street-railway company to extend and construct its tracks, upon or across the grounds of said university at such place or places as said board may designate, and under such restrictions and limitations as said board may prescribe. Provided, that said grant shall not be for a period longer than twenty-five years.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Adopted April 25, 1896.

57

[Senate Joint Resolution No. 50.]

JOINT RESOLUTION

Relative to adjournment sine die.

Resolved, That a committee of three on the part of the senate, and a committee of three on the part of the house, be appointed to notify the governor that the seventy-third general assembly is now ready to adjourn sine die. The president has appointed on the part of the senate the following senators, Cromley, Williams, Riley.

HARRY C. MASON,
Speaker of the House of Representatives.

ASAHIEL W. JONES,
President of the Senate.

Adopted April 26, 1898.

58

STATE OF OHIO,
OFFICE OF THE SECRETARY OF STATE.

I, CHARLES KINNEY, Secretary of State of the State of Ohio, do hereby certify that the foregoing acts and joint resolutions were printed under and by the authority of the general assembly of said State, and that the same are true copies, copied from the original rolls on file in this office of the acts passed and the joint resolutions adopted by the seventy-third general assembly of the State of Ohio, at its regular session, begun January 3, 1898, and ended April 26, 1898, and held in the city of Columbus.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name, and affixed my official seal, at Columbus, the 17th day of June, A. D. 1898.

[SEAL.]

CHARLES KINNEY,
Secretary of State.

**TIMES FOR HOLDING THE CIRCUIT COURTS AND COURTS OF COMMON
PLEAS IN OHIO IN 1898.**

Counties.	County Seats.	Circuits.	Circuit Courts.	Districts.	Subdivisions.	Common Pleas Courts.
Adams . . .	West Union	4	March 30, Nov. 3	7	2	Jan. 4, April 5, Sept. 20.
Allen	Lima	3	April 6, Nov. 16	3	1	Feb. 7, May 9, Oct. 24.
Ashland . . .	Ashland	5	May 10, Nov. 9	6	2	March 1, Sept. 6, Dec. 6
Ashtabula . .	Jefferson	7	March 15, Oct. 4	9	3	Jan. 10, March 7, Oct. 24
Athens	Athens	4	Jan. 18, Sept. 27	7	3	Feb. 7, May 3, Oct. 24.
Auglaize . . .	Wapakoneta	3	April 20, Nov. 23	3	1	Jan. 3, April 18, Sept. 12
Belmont . . .	St. Clairsville	7	June 14, Dec. 12	8	2	Jan. 11, April 12, Oct. 4
Brown	Georgetown	4	April 6, Nov. 10	5	1	Jan. 11, April 26, Sept. 6
Butler	Hamilton	1	April 11, Oct. 10	2	1	Jan. 10, May 9, Sept. 26.
Carroll	Carrollton	7	Feb. 1, Sept. 22	9	1	Feb. 14, May 9, Nov. 14.
Champaign . .	Urbana	2	May 2, Oct. 19	2	2	Jan. 10, May 9, Oct. 10.
Clark	Springfield	2	May 31, Nov. 28	2	2	Jan. 10, May 9, Oct. 10.
Clermont . . .	Batavia	1	April 5, Oct. 4	5	1	Jan. 18, April 19, Oct. 18.
Clinton	Wilmington	1	May 2, Oct. 31	2	3	Jan. 10, May 9, Oct. 17.
Columbiana . .	Lisbon	7	Feb. 8, Sept. 26	9	1	Feb. 21, May 2, Sept. 12.
Coshocton . . .	Coshocton	5	May 17, Nov. 15	6	3	Jan. 10, April 11, Sept. 12.
Crawford . . .	Bucyrus	3	Jan. 19, Sept. 28	10	2	Jan. 3, April 4, Sept. 12.
Cuyahoga . . .	Cleveland	8	Jan. 10, Oct. 24	4	3	Jan. 10, Apr. 5, Jul. 5, Sept. 19
Darke	Greenville	2	May 9, Oct. 31	2	2	Jan. 10, May 3, Oct. 10.
Defiance . . .	Defiance	3	March 9, Oct. 26	3	2	March 1, June 6, Nov. 21.
Delaware . . .	Delaware	5	June 14, Dec. 13	6	1	Jan. 3, April 5, Sept. 19.
Erie	Sandusky	6	April 18, Nov. 21	4	1	Jan. 3, April 5, Sept. 19.
Fairfield . . .	Lancaster	5	Jan. 4, Sept. 6	7	1	Jan. 17, April 11, Oct. 17.
Fayette	Washington C. H.	2	May 16, Nov. 21	5	2	Jan. 18, April 11, Sept. 19.
Franklin	Columbus	2	Jan. 3, Sept. 26	5	3	Jan. 3, April 11, Sept. 19.
Fulton	Wauseon	6	May 13, Dec. 8	3	3	Jan. 31, May 2, Oct. 3.
Gallia	Gallipolis	4	Feb. 22, Oct. 13	7	3	Feb. 14, May 2, Oct. 4.
Gauga	Chardon	7	March 8, Oct. 13	9	3	Jan. 10, March 7, Oct. 24.
Greene	Xenia	2	April 13, Nov. 16	2	3	Jan. 10, May 2, Oct. 10.
Guernsey . . .	Cambridge	7	June 7, Dec. 7	8	1	Feb. 1, May 2, Oct. 10.
Hamilton . . .	Cincinnati	1	Jan. 4, Nov. 7	1	..	Jan. 3, Apr. 4, July 4, Oct. 3.
Hancock	Findlay	3	May 25, Dec. 14	10	1	Jan. 3, April 4, Sept. 12.
Hardin	Kenton	3	Feb. 23, Oct. 7	10	1	Feb. 28, May 23, Oct. 24.
Harrison	Cadiz	7	May 17, Nov. 22	8	3	Mar. 7, May 16, Nov. 14.
Henry	Napoleon	3	March 2, Oct. 19	3	3	Jan. 3, April 5, Sept. 5.
Highland . . .	Hillsboro	4	April 13, Nov. 16	5	2	Jan. 10, April 11, Sept. 26.
Hocking	Logan	4	Feb. 1, Oct. 3	7	1	Jan. 3, April 5, Sept. 12.
Holmes	Millersburg	5	May 24, Nov. 1	6	3	Feb. 7, June 6, Oct. 10.
Huron	Norwalk	6	April 5, Nov. 9	4	1	Jan. 31, April 25, Oct. 17.
Jackson	Jackson	4	May 24, Dec. 13	7	2	Feb. 15, May 17, Nov. 1.
Jefferson . . .	Steubenville	7	May 24, Nov. 25	8	3	Jan. 10, April 11, Sept. 13.
Knox	Mt. Vernon	5	March 8, Oct. 4	6	1	Feb. 7, May 2, Nov. 14.
Lake	Painesville	7	Feb. 22, Oct. 17	9	3	Jan. 24, Mar. 21, Nov. 21.
Lawrence . . .	Ironton	4	March 1, Oct. 18	7	2	Feb. 7, April 26, Oct. 25.
Licking	Newark	5	March 22, Oct. 11	6	1	Jan. 3, April 11, Sept. 19.
Logan	Bellefontaine	3	Feb. 9, Oct. 12	10	3	Feb. 21, May 9, Oct. 24.
Lorain	Elyria	8	April 25, Oct. 10	4	2	Feb. 14, May 9, Oct. 24.
Lucas	Toledo	6	Jan. 3, Sept. 19	4	1	Jan. 3, April 5, Sept. 19.
Madison	London	2	April 11, Nov. 14	5	2	Feb. 21, May 23, Oct. 24.
Mahoning . . .	Youngstown	7	April 19, Oct. 25	9	2	Jan. 10, May 2, Sept. 19.
Marion	Marion	3	Jan. 12, Sept. 22	10	2	Feb. 14, May 16, Sept. 12.
Medina	Medina	8	May 2, Oct. 17	4	2	Jan. 17, Apr. 11, Sept. 26.
Meigs	Pomeroy	4	Feb. 15, Oct. 11	7	3	Jan. 3, April 4, Sept. 26.
Mercer	Celina	3	April 27, Nov. 30	3	1	Mar. 14, June 13, Nov. 21.
Miami	Troy	2	April 18, Oct. 24	2	2	Jan. 17, May 16, Nov. 7.
Monroe	Woodsfield	7	May 31, Dec. 1	7	3	Jan. 4, April 5, Sept. 13.

**TIMES FOR HOLDING THE CIRCUIT COURTS AND COURTS OF COMMON
PLEAS IN OHIO IN 1898.—CONCLUDED.**

Counties.	County Seats.	Circuits.	Circuit Courts.	Districts.	Subdivisions.	Common Pleas Courts.
Montgom'ry	Dayton	2	June 8, Dec. 5	2	3	Jan. 3, May 2, Oct. 3.
Morgan	McConnelsville ..	5	April 26, Nov. 22	8	1	Jan. 10, May 2, Oct. 3.
Morrow	Mt. Gilead.....	5	June 7, Dec. 6	6	2	Jan. 24, April 25, Oct. 3.
Muskingum ..	Zanesville	5	April 19, Oct. 18	8	1	Jan. 3, April 11, Oct. 3.
Noble	Caldwell.....	7	June 3, Dec. 6	8	1	Jan. 4, April 5, Sept. 20.
Ottawa	Port Clinton.....	6	May 31, Dec. 21	4	1	Jan. 3, May 16, Nov. 21.
Paulding	Paulding	3	March 16, Oct. 21	3	2	Jan. 3, April 4, Sept. 12.
Perry	New Lexington..	5	May 3, Oct. 25	7	1	Feb. 7, May 9, Nov. 7.
Pickaway	Circleville	4	April 20, Nov. 22	5	2	Jan. 10, April 18, Sept. 19.
Pike	Waverly	4	May 17, Dec. 6	7	2	Jan. 10, April 11, Sept. 26.
Portage	Ravenna	7	March 29, Nov. 10	9	2	Jan. 3, April 4, Sept. 5.
Preble	Eaton	2	May 5, Nov. 10	2	2	Jan. 10, May 9, Oct. 10.
Putnam	Ottawa	3	March 30, Nov. 9	3	3	Feb. 21, May 23, Nov. 21.
Richland ..	Mansfield	5	Jan. 11, Sept. 13	6	2	April 11, Sept. 5, Nov. 28.
Ross	Chillicothe	4	May 3, Nov. 29	5	2	Jan. 17, April 18, Oct. 17.
Sandusky	Fremont	6	May 16, Dec. 12	4	1	Jan. 17, April 18, Oct. 3.
Scioto	Portsmouth.....	4	March 15, Oct. 25	7	2	Jan. 3, March 28, Sept. 12.
Seneca	Tiffin	3	May 4, Dec. 7	10	1	Feb. 14, May 16, Oct. 24.
Shelby	Sidney	2	April 28, Oct. 17	3	1	Jan. 3, April 5, Sept. 26.
Stark	Canton	5	Feb. 15, Sept. 27	9	1	Jan. 10, May 2, Sept. 19.
Summit	Akron	8	April 11, Sept. 26	4	2	Jan. 10, April 25, Oct. 10.
Trumbull	Warren	7	April 5, Nov. 14	9	2	Jan. 31, May 9, Oct. 3.
Tuscarawas ..	New Philadelphia	5	May 31, Nov. 29	8	3	Jan. 10, April 11, Oct. 3.
Union	Marysville	3	Feb. 2, Oct. 5	10	3	Jan. 3, April 4, Sept. 6.
Van Wert	Van Wert.....	3	March 23, Nov. 3	3	1	Feb. 7, May 16, Oct. 17.
Vinton	McArthur	4	Feb. 9, Oct. 6	7	3	Feb. 14, May 27, Oct. 17.
Warren	Lebanon	1	April 25, Oct. 24	2	3	Jan. 3, May 3, Oct. 3.
Washington ..	Marietta	4	Jan. 11, Sept. 21	7	3	Jan. 4, April 5, Sept. 13.
Wayne	Wooster.....	5	Feb. 1, Sept. 20	6	3	Feb. 14, May 16, Oct. 3.
Williams	Bryan	6	May 9, Dec. 5	3	2	Feb. 1, May 2, Oct. 10.
Wood	Bowling Green ..	6	March 7, Oct. 24	10	1	Jan. 3, April 4, Sept. 12.
Wyandot	Upper Sandusky.	3	Jan. 5, Sept. 14	10	2	Jan. 3, April 4, Sept. 12.

THE STATE OF OHIO,
OFFICE OF THE SECRETARY OF STATE.

I, CHARLES KINNEY, Secretary of State of the State of Ohio, do hereby certify that the foregoing is a correct statement of the times for holding the Circuit Courts and Courts of Common Pleas in the several counties of the State of Ohio, in the year 1898, taken from the official list returned by the judges of said courts to this office.

WITNESS my hand and official Seal, this 15th day of June, A. D. 1898.

CHARLES KINNEY,
Secretary of State.

[SEAL]

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